



City of Appleton

100 North Appleton Street
Appleton, WI 54911-4799
www.appleton.org

Meeting Agenda - Final City Plan Commission

*Any questions about items on this meeting are to be directed to
the Community and Economic Development Department,
920-832-6468.*

Wednesday, March 23, 2022

3:30 PM

Council Chambers, 6th Floor

1. Call meeting to order
2. Roll call of membership
3. Approval of minutes from previous meeting

[22-0341](#) City Plan Minutes from 3-9-22

Attachments: [City Plan Minutes 3-9-22.pdf](#)

4. Public Hearings/Apearances

[22-0342](#) Special Use Permit #2-22 for a restaurant with alcohol sales and service located at 127 South Memorial Drive (Tax Id #31-3-0972-00), as shown on the attached maps and per attached plan of operation, to run with the land subject to the conditions in the attached staff report and approve attached Resolution (Associated with Action Item #22-0343)

Attachments: [ClassIIPublicHearingNoticeNewspaper_127SMemorialDr_SUP#2-22.pdf](#)
[PublicHearingNoticeNeighborhood_127SMemorialDr_SUP#2-22.pdf](#)

[22-0344](#) Special Use Permit #3-22 for a restaurant with alcohol sales and service located at 324 East College Avenue (Tax Id #31-2-0343-00), as shown on the attached maps and per attached plan of operation, to run with the land subject to the conditions in the attached staff report and approve attached Resolution (Associated with Action Item #22-0345)

Attachments: [ClassIIPublicHearingNoticeNewspaper_324ECollegeAve_SUP#3-22.pdf](#)
[PublicHearingNoticeNeighborhood_324ECollegeAve_SUP#3-22.pdf](#)

[22-0346](#) Special Use Permit #4-22 for a restaurant with alcohol sales and service, and associated outdoor seating area, located at 1025 North Badger Avenue (Tax Id #31-5-2090-00), as shown on the attached maps and per attached plan of operation, to run with the land subject to the conditions in the attached staff report and approve attached Resolution (Associated with Action Item #22-0347)

Attachments: [ClassIIPublicHearingNoticeNewspaper_1025NBadgerAve_SUP#4-22.pdf](#)
[PublicHearingNoticeNeighborhood_1025NBadgerAve_SUP#4-22.pdf](#)

[22-0348](#) Zoning Ordinance Text and Map Amendments to Article X Floodplain Zoning of Chapter 23 of the Municipal Code relating to Section 23-205(b) (2) General provisions; Official maps and revisions; Official maps based on other studies (Associated with Action Item #22-0349)

Attachments: [NoticeofInformalPublicHearing_AmendFloodplainOrd_2022.pdf](#)

5. Action Items

[22-0343](#) Request to approve Special Use Permit #2-22 for a restaurant with alcohol sales and service located at 127 South Memorial Drive (Tax Id #31-3-0972-00), as shown on the attached maps and per attached plan of operation, to run with the land subject to the conditions in the attached staff report and approve attached Resolution (2/3 vote of Common Council required for approval)

Attachments: [StaffReport_127SMemorialDr_SUP_For3-23-22.pdf](#)

[22-0345](#) Request to approve Special Use Permit #3-22 for a restaurant with alcohol sales and service located at 324 East College Avenue (Tax Id #31-2-0343-00), as shown on the attached maps and per attached plan of operation, to run with the land subject to the conditions in the attached staff report and approve attached Resolution (2/3 vote of Common Council required for approval)

Attachments: [StaffReport_324ECollegeAve_SUP_For03-23-22.pdf](#)

[22-0347](#) Request to approve Special Use Permit #4-22 for a restaurant with alcohol sales and service, and associated outdoor seating area, located at 1025 North Badger Avenue (Tax Id #31-5-2090-00), as shown on the attached maps and per attached plan of operation, to run with the land subject to the conditions in the attached staff report and approve attached Resolution (2/3 vote of Common Council required for approval)

Attachments: [StaffReport_1025NBadgerAve_SUP_For3-23-22.pdf](#)

[22-0349](#)

Request to approve Zoning Ordinance Text and Map Amendments to Article X Floodplain Zoning of Chapter 23 of the Municipal Code relating to Section 23-205(b)(2) General provisions; Official maps and revisions; Official maps based on other studies, as identified in the attached staff report

Attachments: [StaffReport AmendFloodplainOrd AppleFields CLOMR For03-23-22.pdf](#)

[22-0351](#)

Request to approve the Extraterritorial Final Plat for Auburn Estates located in the Town of Grand Chute as shown on the attached maps

Attachments: [StaffReport AuburnEstates FinalPlat For03-23-22.pdf](#)

6. Information Items

7. Adjournment

Notice is hereby given that a quorum of the Common Council may be present during this meeting, although no Council action will be taken.

Reasonable Accommodations for Persons with Disabilities will be made upon Request and if Feasible.



City of Appleton

100 North Appleton Street
Appleton, WI 54911-4799
www.appleton.org

Meeting Minutes - Final City Plan Commission

*Any questions about items on this meeting are to be directed
to the Community and Economic Development Department,
920-832-6468.*

Wednesday, March 9, 2022

3:30 PM

Council Chambers, 6th Floor

1. Call meeting to order

Meeting called to order by Chair Mayor Woodford at 3:30 p.m.

2. Roll call of membership

Commissioner Robins appeared virtually and participated via Teams.

Present: 7 - Palm, Robins, Mayor Woodford, Fenton, Buetow, Dane and Uitenbroek

Others present:

Pat Schwanke, 207 S. Badger Avenue

Cathy Schwanke, 207 S. Badger Avenue

David Baehr, 217 S. Badger Avenue LLC

3. Approval of minutes from previous meeting

[22-0248](#)

City Plan Minutes from 2-23-22

Attachments: [City Plan Minutes 2-23-22.pdf](#)

Fenton moved, seconded by Palm, that the Minutes be approved. Roll Call.

Motion carried by the following vote:

Aye: 7 - Palm, Robins, Mayor Woodford, Fenton, Buetow, Dane and Uitenbroek

4. **Public Hearings/Appearances**

[22-0249](#)

Rezoning #2-22 for the subject parcel located at 217 South Badger Avenue (Tax Id #31-3-0907-00), including to the centerline of the adjacent railroad line and the adjacent one-half (1/2) right-of-way of South Badger Avenue and West Eighth Street, as shown on the attached maps, from C-2 General Commercial District to C-1 Neighborhood Mixed Use District (Associated with Action Item #22-0250)

Attachments: [InformalPublicHearingNotice_217SBadgerAv_Rezoning#2-22.pdf](#)

This public hearing was held, and no one spoke on the item.

5. Action Items

[22-0250](#)

Request to approve Rezoning #2-22 for the subject parcel located at 217 South Badger Avenue (Tax Id #31-3-0907-00), including to the centerline of the adjacent railroad line and the adjacent one-half (1/2) right-of-way of South Badger Avenue and West Eighth Street, as shown on the attached maps, from C-2 General Commercial District to C-1 Neighborhood Mixed Use District

Attachments: [StaffReport_217SBadgerAv_Rezoning_For03-09-22.pdf](#)

Proceeds to Council on April 6, 2022.

Buetow moved, seconded by Fenton, that the Report Action Item be recommended for approval. Roll Call. Motion carried by the following vote:

Aye: 7 - Palm, Robins, Mayor Woodford, Fenton, Buetow, Dane and Uitenbroek

6. Information Items

[22-0264](#)

College North Neighborhood Plan Open House on Monday, April 11, 2022 from 4:00 pm to 7:00 pm in the City Center Board Room, City Center Plaza, 10 E. College Avenue, 1st Floor toward East End (Walk thrus will take about 15 minutes, you can stop by anytime during the 3-hour window)

Attachments: [planAPPLETON.com](#)

This item was presented and discussed.

7. Adjournment

Palm moved, seconded by Buetow, that the meeting be adjourned at 3:37 p.m. Roll Call. Motion carried by the following vote:

Aye: 7 - Palm, Robins, Mayor Woodford, Fenton, Buetow, Dane and Uitenbroek

CITY OF APPLETON
NOTICE OF PUBLIC HEARING
PROPOSED SPECIAL USE PERMIT

NOTICE IS HEREBY GIVEN of a Public Hearing to be held before the City Plan Commission on Wednesday, March 23, 2022, at 3:30 P.M., in Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, or as soon thereafter as can be heard, for the purpose of considering a Special Use Permit.

Pursuant to Sections 23-66 and 23-114 of the Appleton Municipal Code, to consider a request by Sarah Gregory, applicant, and ZCF QOZB LLC, owner, for property located at 127 South Memorial Drive (Tax Id #31-3-0972-00) to obtain a Special Use Permit for a restaurant with alcohol sales and consumption (Topsy Taco). In the CBD Central Business District, a Special Use Permit is required for a restaurant with alcohol sales and consumption.

All persons interested are invited to attend this meeting and will be given an opportunity to be heard. Feedback can also be shared with Plan Commission members via written letter, email, or phone call. Any questions regarding this matter should be directed to Jessica Titel, Principal Planner, in the Community and Economic Development Department at (920) 832-6476 or by email at jessica.titel@appleton.org.

CITY PLAN COMMISSION
APPLETON, WISCONSIN

COMMUNITY & ECONOMIC DEVELOPMENT
CITY HALL - 100 NORTH APPLETON STREET
APPLETON, WISCONSIN 54911-4799
(920) 832-6468

Reasonable accommodations for persons with disabilities will be made upon request and if feasible.

RUN: March 8, 2022
March 15, 2022

NOTICE OF PUBLIC HEARING
OF THE
APPLETON CITY PLAN COMMISSION

Dear property owner(s):

The City of Appleton Plan Commission will conduct a Public Hearing on Wednesday, March 23, 2022, at 3:30 P.M., or as soon thereafter as can be heard, in Common Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, for the purpose of considering the following proposed Special Use Permit:

- Pursuant to Sections 23-66 and 23-114 of the Appleton Municipal Code, to consider a request by Sarah Gregory, applicant, and ZCF QOZB LLC, owner, for property located at 127 South Memorial Drive (Tax Id #31-3-0972-00) to obtain a Special Use Permit for a restaurant with alcohol sales and consumption (Topsy Taco). In the CBD Central Business District, a Special Use Permit is required for a restaurant with alcohol sales and consumption.

- ALDERMANIC DISTRICT: 9 – Alderperson Alex Schultz

You are being notified as a policy of the City of Appleton Community and Economic Development Department. All persons interested are invited to attend this meeting and will be given an opportunity to be heard. Feedback can also be shared with Plan Commission members via written letter, email, or phone call. The Plan Commission makes a recommendation to the Common Council who makes the final decision on the matter.

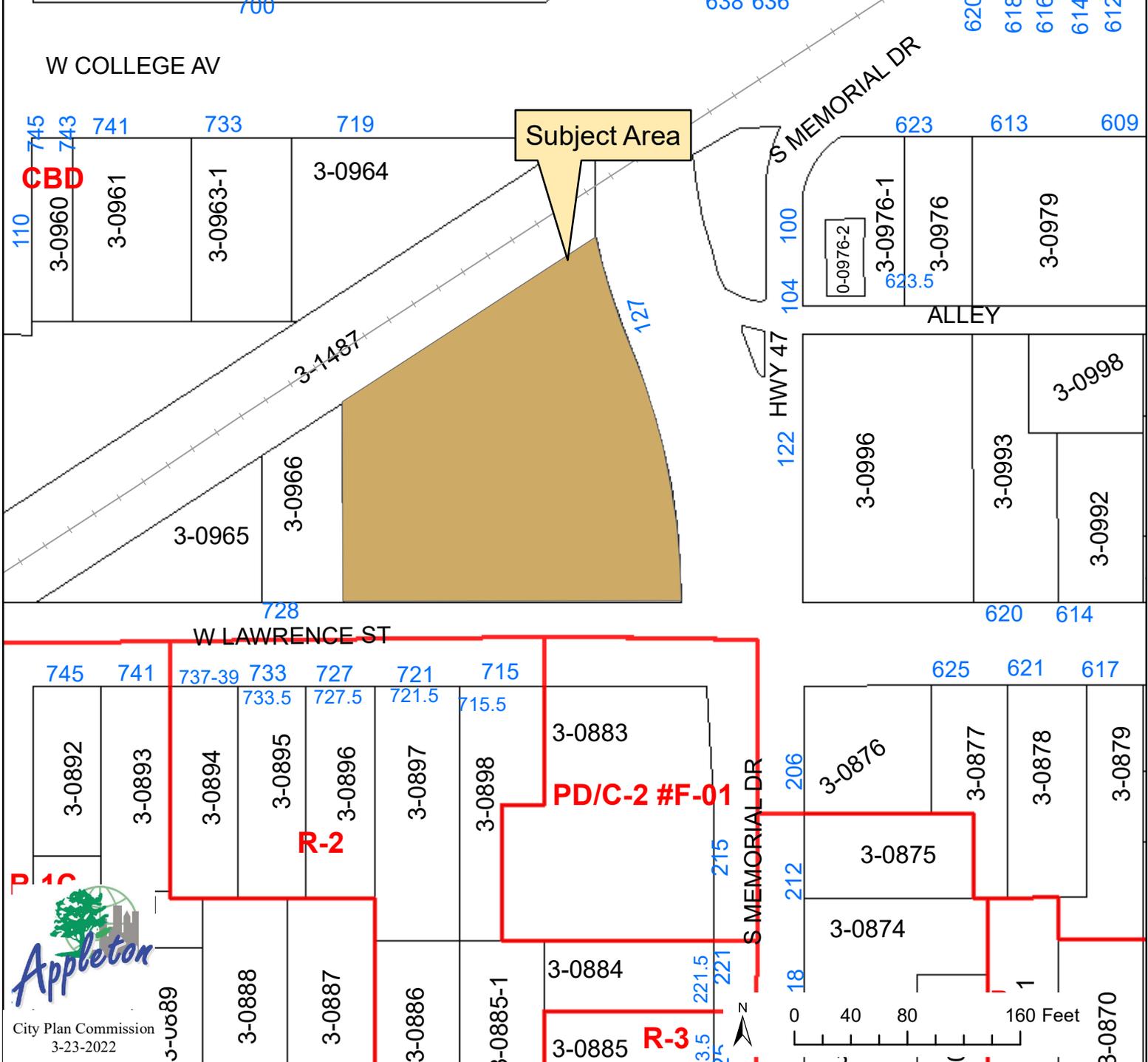
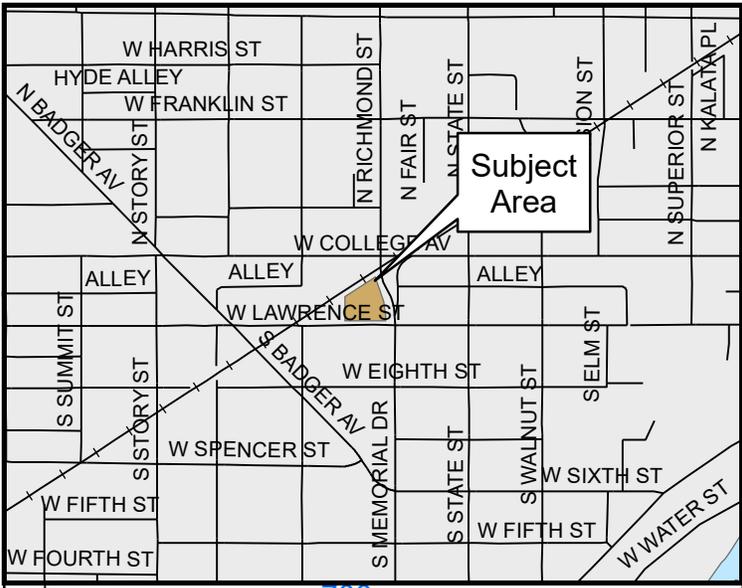
Any questions regarding this matter should be directed to Jessica Titel, Principal Planner, in the Community and Economic Development Department at 920-832-6476 or by email at jessica.titel@appleton.org.

CITY PLAN COMMISSION

COMMUNITY & ECONOMIC DEVELOPMENT
CITY HALL - 100 NORTH APPLETON STREET
APPLETON, WISCONSIN 54911-4799
920-832-6468

Reasonable accommodations for persons with disabilities will be made upon request and if feasible.

127 S. Memorial Drive
 Special Use Permit
 Restaurant with Alcohol Sales
 Zoning Map



127 S. Memorial Drive
Special Use Permit
Restaurant with Alcohol Sales
Aerial Map



Subject Area



City Plan Commission
3-23-2022



PROPOSED FOR:

SANGRIA'S MEXICAN GRILL

APPLETON, WISCONSIN

GENERAL NOTES

THESE DRAWINGS COVER STRUCTURAL AND GENERAL CONSTRUCTION WORK GOVERNING FOR THE BUILDING SITE, AND SHALL BE DONE IN A WORKMANLIKE MANNER.

CONTRACTOR SHALL FAMILIARIZE HIMSELF WITH ALL CITY AND COUNTY ORDINANCES, MECHANICAL AND ELECTRICAL DRAWINGS TO VERIFY THE LOCATION, AND DIMENSIONS OF CHASES, INSERTS, PENETRATIONS, AND OTHER FEATURES. ALL CONFLICTING REQUIREMENTS NOT SHOWN ON THE STRUCTURAL DRAWINGS.

OPENINGS SHOWN ON THE STRUCTURAL DRAWINGS SHALL NOT BE REVISED WITHOUT WRITTEN APPROVAL FROM THE ARCHITECT.

CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS, ELEVATIONS, AND CONDITIONS AND NOTIFY ARCHITECT OF ANY DISCREPANCIES.

THE TYPICAL DETAILS SHOWN ON THE DRAWINGS SHALL BE SPECIFICALLY NOTED OTHERWISE. THE CONTRACT DRAWINGS UNLESS SPECIFICALLY NOTED OTHERWISE.

THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR JOB SAFETY DURING CONSTRUCTION.

PROJECT INFORMATION

CONSTRUCTION CLASSIFICATION

BUILDING TYPE III-B - PARTIALLY SPRINKLED

OCCUPANCY

"A-2" RESTAURANT

ALLOWABLE AREA

"A-2" RESTAURANT CHAPTER 9 9,500 S.F. 5,000 S.F. OR 100 PEOPLE

IBC 508.4.2

SEPARATED USES RATIO

$$\begin{aligned} \text{"M" MERCANTILE} &= \frac{9,652}{7,758} / \frac{21,632}{18,440} = .45 \\ \text{"A-2" ASSEMBLY} &= \frac{.45}{.92} < 1.00 \end{aligned}$$

2-HOUR FIRE BARRIER BETWEEN OCCUPANCIES PER TABLE 506.4 & A-2 TO BE SPRINKLED

SHEET INDEX

SHEET SHEET TITLE

T1.0 GENERAL COVER SHEET, INDEX, NOTES

ARCHITECTURAL

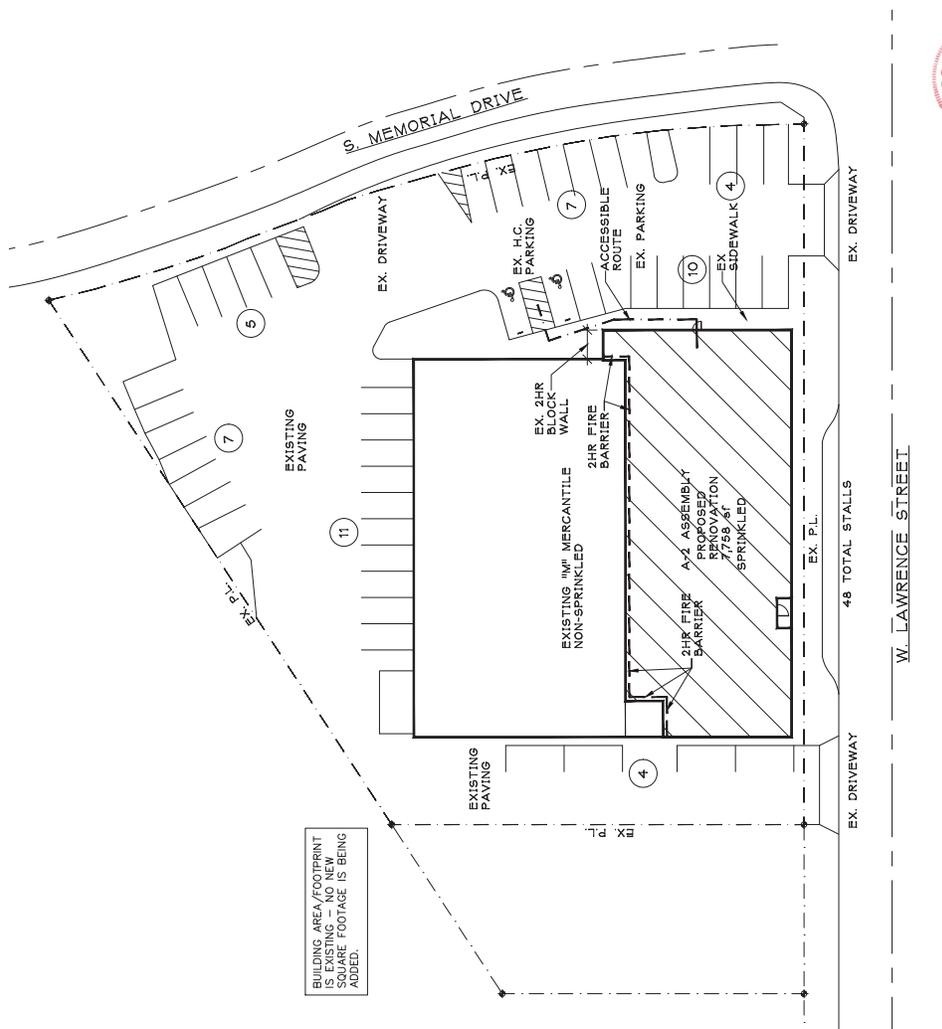
A1.0 FLOOR PLAN
A1.1 EGRESS & REFLECTED CEILING PLANS
A2.0 FINISH SCHEDULE
A3.0 ADA DETAILS

237 RANDOLPH DRIVE - SUITE C
APPLETON, WI 54913
TEL: 920-707-4226 FAX: 920-40-8072

SANGRIA'S MEXICAN GRILL
SCHEMATIC DESIGN FOR,
APPLETON, WISCONSIN

DATE: JAN. 19, 2022
ARCH: K. HPEL
D. BY: S. BERTON
JOB: _____
REV: _____

T
1.0



SCHEMATIC SITE PLAN
SCALE: _____
NORTH

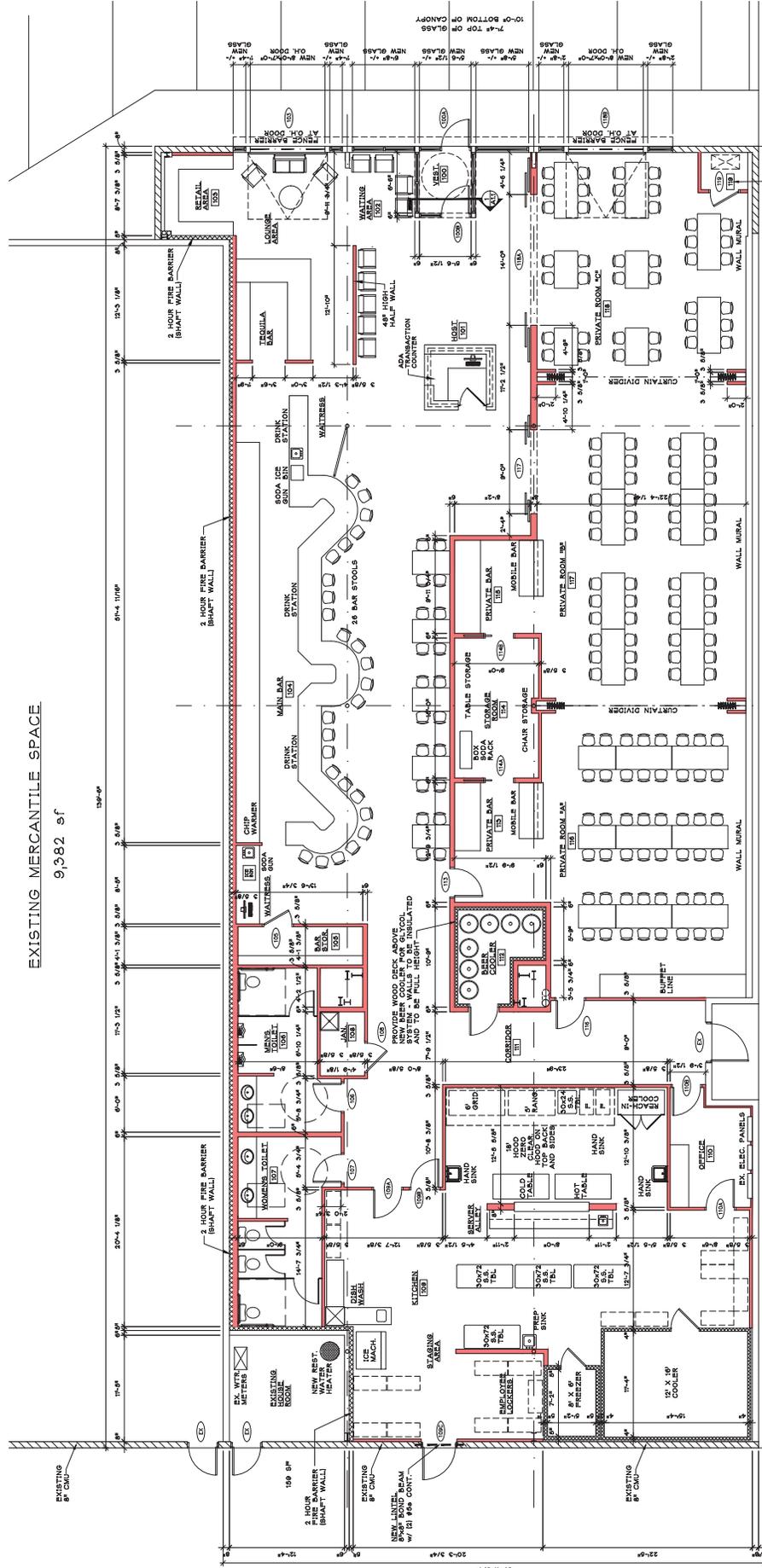


237 RANDOLPH DRIVE - SUITE C
 APPLETON, WI 54913
 TEL: 920-707-4236 FAX: 920-740-8072

SANGRIA'S MEXICAN GRILL
 SCHEMATIC DESIGN FOR,
 APPLETON, WISCONSIN

DATE: JAN 10, 2022
 ARCH: K. BELL
 D. BY: S. BERTON
 JOB: _____
 REV: _____

A
1.0



EXISTING MERCANTILE SPACE
 9,382 sf

300 MAX CAPACITY
 7,758 sf
 FLOOR PLAN
 SCALE: 3/16"=1'-0"

NEW WINDOWS TO HAVE A U-VALUE PER TABLE C402.4 OF THE 2015 EBC
 NEW DOOR TO HAVE A U-VALUE OF 0.77 OR BETTER PER TABLE C402.4 OF THE 2015 EBC

FINAL GLAZING DIMENSIONS BY SELECTED CONTRACTOR
 ALL INTERIOR WALLS ARE DIMENSIONED FOR STUDS CAN ALSO BE UTILIZED

ALL INTERIOR COLUMNS ARE EXISTING
 THE EXISTING WEST WALL NON-BEARING ST. CMU WHICH ARE EQUIVALENT TO A RATING MINIMUM OF A 1 HOUR

CITY OF APPLETON
NOTICE OF PUBLIC HEARING
PROPOSED SPECIAL USE PERMIT

NOTICE IS HEREBY GIVEN of a Public Hearing to be held before the City Plan Commission on Wednesday, March 23, 2022, at 3:30 P.M., in Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, or as soon thereafter as can be heard, for the purpose of considering a Special Use Permit.

Pursuant to Sections 23-66 and 23-114 of the Appleton Municipal Code, to consider a request by Aaron Phillipson, applicant, and 320 East College LLC, owner, for property located at 324 East College Avenue (Tax Id #31-2-0343-00) to obtain a Special Use Permit for a restaurant with alcohol sales and consumption (All Tied Up Floral Cafe). In the CBD Central Business District, a Special Use Permit is required for a restaurant with alcohol sales and consumption.

All persons interested are invited to attend this meeting and will be given an opportunity to be heard. Feedback can also be shared with Plan Commission members via written letter, email, or phone call. Any questions regarding this matter should be directed to Don Harp, Principal Planner, in the Community and Economic Development Department at (920) 832-6466 or by email at don.harp@appleton.org.

CITY PLAN COMMISSION
APPLETON, WISCONSIN

COMMUNITY & ECONOMIC DEVELOPMENT
CITY HALL - 100 NORTH APPLETON STREET
APPLETON, WISCONSIN 54911-4799
(920) 832-6468

Reasonable accommodations for persons with disabilities will be made upon request and if feasible.

RUN: March 8, 2022
March 15, 2022

NOTICE OF PUBLIC HEARING
OF THE
APPLETON CITY PLAN COMMISSION

Dear property owner(s):

The City of Appleton Plan Commission will conduct a Public Hearing on Wednesday, March 23, 2022, at 3:30 P.M., or as soon thereafter as can be heard, in Common Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, for the purpose of considering the following proposed Special Use Permit:

- Pursuant to Sections 23-66 and 23-114 of the Appleton Municipal Code, to consider a request by Aaron Phillipson, applicant, and 320 East College LLC, owner, for property located at 324 East College Avenue (Tax Id #31-2-0343-00) to obtain a Special Use Permit for a restaurant with alcohol sales and consumption (All Tied Up Floral Cafe). In the CBD Central Business District, a Special Use Permit is required for a restaurant with alcohol sales and consumption.

- ALDERMANIC DISTRICT: 1 – Alderperson William Siebers

You are being notified as a policy of the City of Appleton Community and Economic Development Department. All persons interested are invited to attend this meeting and will be given an opportunity to be heard. Feedback can also be shared with Plan Commission members via written letter, email, or phone call. The Plan Commission makes a recommendation to the Common Council who makes the final decision on the matter.

Any questions regarding this matter should be directed to Don Harp, Principal Planner, in the Community and Economic Development Department at 920-832-6466 or by email at don.harp@appleton.org.

CITY PLAN COMMISSION

COMMUNITY & ECONOMIC DEVELOPMENT
CITY HALL - 100 NORTH APPLETON STREET
APPLETON, WISCONSIN 54911-4799
920-832-6468

Reasonable accommodations for persons with disabilities will be made upon request and if feasible.

Special Use Permit
Restaurant with Alcohol Sales
324 E College Avenue
Aerial Map

2-0

E JOHNSTON ST

2-0343

2-0341

2-0342

2-0340

2-0346

2-034

Subject Area

308

314

320

322

324

326

33

E COLLEGE AV



City Plan Commission
3-23-2022

13

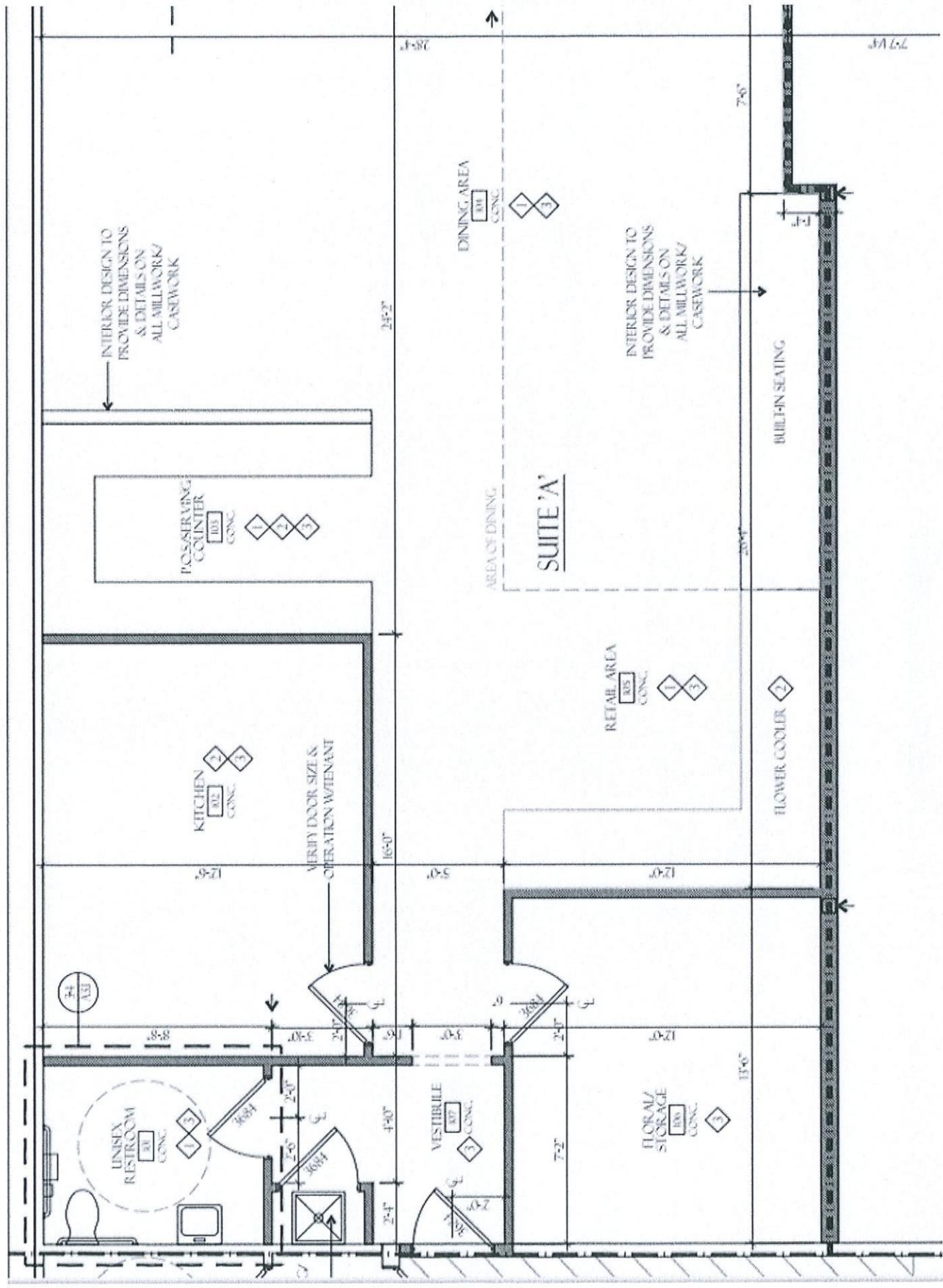
15

19

21



0 12.5 25 50 Feet



E. College Ave.

CITY OF APPLETON
NOTICE OF PUBLIC HEARING
PROPOSED SPECIAL USE PERMIT

NOTICE IS HEREBY GIVEN of a Public Hearing to be held before the City Plan Commission on Wednesday, March 23, 2022, at 3:30 P.M., in Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, or as soon thereafter as can be heard, for the purpose of considering a Special Use Permit.

Pursuant to Sections 23-66 and 23-113 of the Appleton Municipal Code, to consider a request by Reginald Desamour, owner and applicant, for property located at 1025 North Badger Avenue (Tax Id #31-5-2090-00) to obtain a Special Use Permit for a restaurant with alcohol sales and consumption (Area 509). In the C-2 General Commercial District, a Special Use Permit is required for a restaurant with alcohol sales and consumption.

All persons interested are invited to attend this meeting and will be given an opportunity to be heard. Feedback can also be shared with Plan Commission members via written letter, email, or phone call. Any questions regarding this matter should be directed to Jessica Titel, Principal Planner, in the Community and Economic Development Department at (920) 832-6476 or by email at jessica.titel@appleton.org.

CITY PLAN COMMISSION
APPLETON, WISCONSIN

COMMUNITY & ECONOMIC DEVELOPMENT
CITY HALL - 100 NORTH APPLETON STREET
APPLETON, WISCONSIN 54911-4799
(920) 832-6468

Reasonable accommodations for persons with disabilities will be made upon request and if feasible.

RUN: March 8, 2022
March 15, 2022

NOTICE OF PUBLIC HEARING
OF THE
APPLETON CITY PLAN COMMISSION

Dear property owner(s):

The City of Appleton Plan Commission will conduct a Public Hearing on Wednesday, March 23, 2022, at 3:30 P.M., or as soon thereafter as can be heard, in Common Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, for the purpose of considering the following proposed Special Use Permit:

- Pursuant to Sections 23-66 and 23-113 of the Appleton Municipal Code, to consider a request by Reginald Desamour, owner, and applicant, for property located at 1025 North Badger Avenue (Tax Id #31-5-2090-00) to obtain a Special Use Permit for a restaurant with alcohol sales and consumption (Area 509). In the C-2 General Commercial District, a Special Use Permit is required for a restaurant with alcohol sales and consumption.

- ALDERMANIC DISTRICT: 10 – Alderperson Michael Smith

You are being notified as a policy of the City of Appleton Community and Economic Development Department. All persons interested are invited to attend this meeting and will be given an opportunity to be heard. Feedback can also be shared with Plan Commission members via written letter, email, or phone call. The Plan Commission makes a recommendation to the Common Council who makes the final decision on the matter.

Any questions regarding this matter should be directed to Jessica Titel, Principal Planner, in the Community and Economic Development Department at 920-832-6476 or by email at jessica.titel@appleton.org.

CITY PLAN COMMISSION

COMMUNITY & ECONOMIC DEVELOPMENT
CITY HALL - 100 NORTH APPLETON STREET
APPLETON, WISCONSIN 54911-4799
920-832-6468

Reasonable accommodations for persons with disabilities will be made upon request and if feasible.



54 feet

Fence

Seating Area

111 feet

Fence

Outdoor Bar
(20' x 8')

Food Truck

New Parking Spaces

4
5
6
7
8

Walk-In Cooler

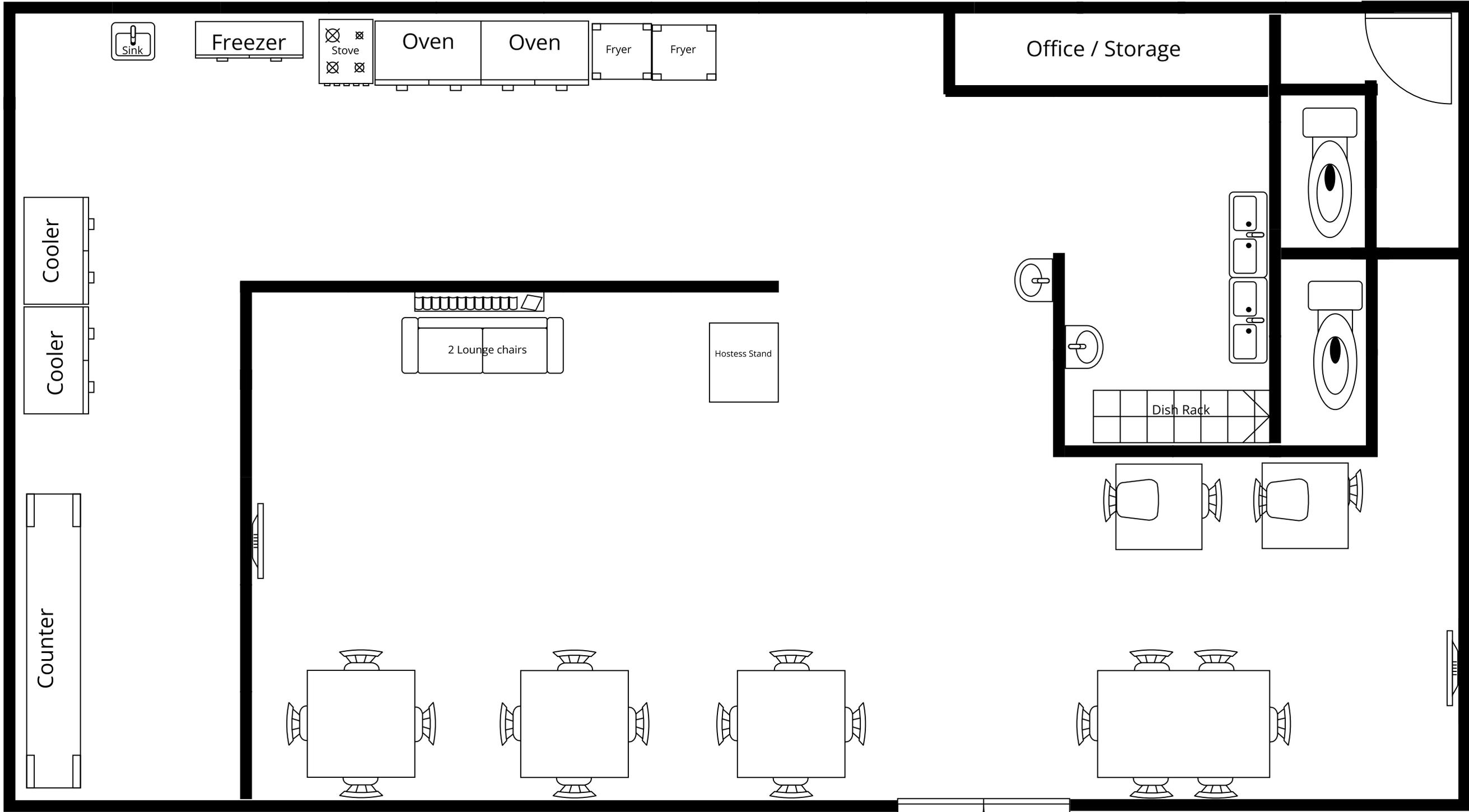
Dumpsters

1025

1025 N Badger Ave,
Appleton, WI 54914

1
2
3

9
10
11
12



Sink

Freezer

Stove

Oven

Oven

Fryer

Fryer

Office / Storage

Cooler

Cooler

Counter

2 Lounge chairs

Hostess Stand

Dish Rack

Toilet

Toilet

NOTICE OF INFORMAL PUBLIC HEARING
OF THE
APPLETON CITY PLAN COMMISSION

NOTICE IS HEREBY GIVEN of an Informal Public Hearing to be held before the City Plan Commission in Common Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, on Wednesday, March 23, 2022 at 3:30 P.M., or as soon thereafter as can be heard, for the purpose of amending Article X of Chapter 23 of the Municipal Code relating to Floodplain Zoning that is required by state and federal law.

The City of Appleton is considering amending Article X. Floodplain Zoning Division 1. Statutory Authorization, Finding of Fact, Statement of Purpose, Title and General Provisions. Sec. 23-205 (b) (2) Official maps based on other studies related to CLOMR – Case #21-05-3029R.

You are being notified as a policy of the City of Appleton Community and Economic Development Department. All persons interested are invited to attend this meeting and will be given an opportunity to be heard. Feedback can also be shared with Plan Commission members via written letter, email, or phone call. The Plan Commission makes a recommendation to the Common Council who makes the final decision on the matter.

A copy of the proposed Floodplain Zoning Ordinance amendment materials are available by contacting Pete Neuberger, P.E., Project Engineer in the Department of Public Works at 920-832-6474 or by email at peter.neuberger@appleton.org or by contacting Don Harp, Principal Planner in the Community and Economic Development Department at 920-832-6466 or by email at don.harp@appleton.org.

CITY PLAN COMMISSION
APPLETON, WISCONSIN

COMMUNITY AND ECONOMIC DEVELOPMENT
DEPARTMENT
CITY HALL - 100 NORTH APPLETON STREET
APPLETON, WISCONSIN 54911-4799
(920) 832-6468

Reasonable accommodations for persons with disabilities will be made upon request and if feasible

PROPOSED ZONING ORDINANCE TEXT AMENDMENTS

The text recommended to be added is underlined.

Sec. 23-205. General provisions.

(a) ***Areas to be regulated.*** This ordinance regulates all areas that would be covered by the regional flood or base flood as shown on the Flood Insurance Rate Map (FIRM) or other maps approved by DNR. Base flood elevations are derived from the flood profiles in the Flood Insurance Study (FIS) and are shown as AE, A1-30, and AH Zones on the FIRM. Other regulatory zones are displayed as A and AO zones. Regional Flood Elevations (RFE) may be derived from other studies. If more than one map or revision is referenced, the most restrictive information shall apply.

(b) ***Official maps and revisions.*** The boundaries of all floodplain districts are designated as A, AE, AH, AO or A1-30 on the maps based on the Flood Insurance Study (FIS) listed below. Any change to the base flood elevations (BFE) or any changes to the boundaries of the floodplain or floodway in the FIS or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA through the Letter of Map Change process (see Division 8 *Amendments*) before it is effective. No changes to RFE's on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Department of Public Works, City of Appleton. If more than one map or revision is referenced, the most restrictive information shall apply.

(1) ***Official maps based on the FIS:***

- a. Calumet County Flood Insurance Rate Map (FIRM), panel numbers 55015C0007E, 55015C0026E and 55015C0027E dated February 4, 2009; with corresponding profiles that are based on the Calumet County Flood Insurance Study (FIS), dated February 2009, volume number 55015CV000A.
- b. Outagamie County Flood Insurance Rate Map (FIRM) panel numbers 55087C0304E, and 55087C0308E dated January 20, 2016; with corresponding profiles that are based on the Flood Insurance Study (FIS) dated January 20, 2016, volume number 55087CV000B.
- c. Outagamie County Flood Insurance Rate Map (FIRM) panel numbers 55087C0309D, 55087C0314D, 55087C0316D, 55087C0317D, 55087C0318D, 55087C0319D, 55087C0330, 55087C0338D, 55087C0427D, 55087C0431D and 55087C451D dated July 22, 2010; with corresponding profiles that are based on the Outagamie County Flood Insurance Study (FIS) dated July 22, 2010 volume number 55087CV000A.
- d. Outagamie County Flood Insurance Rate Map (FIRM) panel numbers 55087C0328D, 55087C0329D, 55087C0336D, 55087C0337D dated July 22, 2010 and revised August 23, 2013 with corresponding profiles that are based on the Outagamie County Flood Insurance Study (FIS) dated July 22, 2010 volume number 55087CV000A, all revised and annotated pursuant to FEMA Letter of Map Revision Determination Document Case No: 12-05-6032P, Issue Date April 10, 2013, Effective Date August 23, 2013.

Approved by: The DNR and FEMA

- (2) ***Official maps based on other studies.*** Any maps referenced in this section must be approved by the DNR and be more restrictive than those based on the FIS at the site of the proposed development.
 - a. LOMR – Case #11-05-7670P, Floodway and Floodplain revisions between Flood Insurance Study (FIS) Cross Section AW to BA, Outagamie County Flood Insurance Rate Map (FIRM) panels 55087C0318D and 55087C0319D, dated July 22, 2010. This reflects changes on the Fox River from just downstream of the Private Middle Dam to approximately 250 feet upstream of the Appleton Upper Dam.

- b. LOMR – Case #13-05-7920P, Floodplain revisions between Flood Insurance Study (FIS) Cross Section AN to AM, Outagamie County Flood Insurance Rate panels 55087C0319D, dated July 22, 2010. This reflects changes along the south side of the Fox River from the College Avenue Bridge to approximately 850 feet downstream.
- c. LOMR – Case #17-05-1963P. Floodplain revisions on Outagamie County Flood Insurance Study (FIS) AAL Tributary Cross Section C, Outagamie County Flood Insurance Rate Map (FIRM) panel 55087C0336D, effective September 29, 2017. This reflects changes along the AAL Tributary from just downstream of Lightning Drive to approximately 200 feet upstream of East Glenhurst Lane.
- d. LOMR – Case #17-05-3854P. Floodplain revisions to Outagamie County Flood Insurance Study (FIS) Fox River Cross Section AS through AW, Outagamie County Flood Insurance Rate Map (FIRM) panel 55087C0319D, effective February 16, 2018. This reflects changes along the Fox River from just upstream of railroad to just downstream of South Oneida Street.
- e. LOMR – Case #20-05-2300P. Floodplain revisions to Outagamie County Flood Insurance Study (FIS) Apple Creek North Cross Section H through J, Outagamie County Flood Insurance Rate Map (FIRM) panel 55087C0328D, effective July 22, 2010. This reflects changes along Apple Creek North from approximately 1,440 feet downstream of Harrier Lance to approximately 160 feet downstream of Ballard Road.
- f. CLOMR – Case #21-05-3029R. Floodplain revisions to Outagamie County Flood Insurance Study (FIS) AAL Tributary from just upstream of East Glenhurst Lane to approximately 500 feet upstream of Everbreeze Circle, Outagamie County Flood Insurance Rate Map (FIRM) panel 55087C0336D, effective November 1, 2021.
- g. Kensington Pond Dam Failure analysis approved by the Department of Natural Resources on January 7, 2008, including:
 1. Map dated July 2007 and titled “Figure 2, City of Appleton, Kensington Pond Dam Break Analysis, Hydraulic Shadow” (Hydraulic Shadow boundary from Cross Section 0.001 to 4.84).
 2. Floodway data table dated 8/28/2007 and titled “Table F-10, Maximum Water Surface Elevations, Kensington Pond Dam Break Analysis, City of Appleton”.
 3. Flood profiles dated 7/10/2007 and titled “Figure 3, Maximum Water Surface Profiles” (Hydraulic Shadow profile from Garners Creek Sta 0 to Sta 25000). Revisions made as a result of DNR review and received from Pete Neuberger via email 2/23/2021.
- h. Outagamie County Flood Storage District Map Panel 1 of 2 approved by Wisconsin Department of Natural Resources and dated January 20, 2016. Prepared by DNR, approved by DNR.



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Date: March 23, 2022

Common Council Meeting Date: April 6, 2022

Item: Special Use Permit #2-22 for restaurant with alcohol sales and service

Case Manager: Jessica Titel, Principal Planner

GENERAL INFORMATION

Owner: ZCF QOZB, LLC

Applicant: Topsy Taco c/o Sarah Gregory

Address/Parcel #: 127 S. Memorial Drive (Tax Id #31-3-0972-00)

Petitioner's Request: The applicant is requesting a Special Use Permit for alcohol sales and service in conjunction with a restaurant.

BACKGROUND

The subject area is located at the southwest corner of West College Avenue and South Memorial Drive. The property currently consists of a multi-tenant building and associated off-street parking lot. The existing building is approximately 17,670 square feet in size. The building was remodeled and the parking lot was reconstructed in 2018/2019. Dollar Tree occupies an existing tenant space within the building and the second tenant space is currently vacant. The applicant recently applied for a Liquor License that includes Class B beer and Reserve Class B Liquor.

STAFF ANALYSIS

Project Summary: The applicant proposes to establish a restaurant with alcohol sales and service on the subject site, which would occupy an existing tenant space that is approximately 7,758 square feet in size.

Operational Information: A plan of operation is attached to the staff report.

Outdoor Seating Area: No outdoor alcohol sales and service is requested with this application.

Existing Site Conditions: The existing single-story building totals approximately 17,670 square feet in size. The 1.03 acre site also includes an off-street parking lot, with right-in and right-out only access from South Memorial Drive and full access from West Lawrence Street.

Current Zoning and Procedural Findings: The subject property has a zoning designation of CBD Central Business District. Per Section 23-114(e) of the Municipal Code, a restaurant with alcohol sales and service requires a Special Use Permit in the CBD District. The Plan Commission makes a recommendation to the Common Council who will make the final decision on the Special Use Permit. A two-thirds vote of the Common Council is required for approval.

Special Use Permit #2-22

March 23, 2022

Page 2

Surrounding Zoning and Land Uses: The surrounding area is under the jurisdiction of the City of Appleton (north, south, east, and west). The uses are generally commercial and residential in nature.

North: CBD Central Business District. The adjacent land uses to the north are currently railroad right-of-way and a mix of commercial uses.

South: R-2 Two-Family District and PD/C-2 Planned Development General Commercial District #F-01. The adjacent land uses to the south are currently duplexes and an existing restaurant (Sangrias).

East: CBD Central Business District. The adjacent land uses to the east are currently a mix of commercial uses.

West: CBD Central Business District. The adjacent land use to the west is currently single-family residential.

Appleton Comprehensive Plan 2010-2030: Community and Economic Development staff has reviewed this proposal and determined it is compatible with goals and objectives found in the City's *Comprehensive Plan 2010-2030*. Listed below are related excerpts from the City's *Comprehensive Plan 2010-2030*.

Goal 1 – Community Growth

Appleton will continue to provide opportunities for residential, commercial, and industrial growth, including appropriate redevelopment sites within the downtown and existing neighborhoods, and greenfield development sites at the City's edge.

Goal 8 – Economic Development

Appleton will pursue economic development that retains and attracts talented people, brings good jobs to the area, and supports the vitality of its industrial areas, downtown, and neighborhood business districts.

OBJECTIVE 9.5 Economic Development:

Encourage new development and redevelopment activities that create vital and attractive neighborhoods and business districts.

OBJECTIVE 10.2 Land Use:

Encourage redevelopment to meet the demand for a significant share of future growth, and to enhance the quality of existing neighborhoods.

Chapter 14 Downtown Plan, Initiative 3 Neighborhood and Residential Development:

Strategy 3.3 – Promote development of neighborhood serving businesses and amenities to meet the basic shopping and service needs of downtown and nearby residents.

Chapter 14 Downtown Plan, Initiative 4 Downtown Development and Business Retention:

Strategy 4.4 – Add depth to retail nodes beyond College Avenue by encouraging new businesses on side streets and fronting Soldier's Square

Technical Review Group (TRG) Report: This item appeared on the March 1, 2022 TRG agenda. No negative comments were received from participating departments.

Zoning Ordinance Requirements and Substantial Evidence: When reviewing an application for a Special Use Permit, the City must determine if the applicant's proposal satisfies Municipal Code requirements and conditions. Pursuant to Section 23-66(c)(5) of the Municipal Code, the Plan Commission and Common Council must provide substantial evidence supporting their decision to approve, approve with conditions, or deny the Special Use Permit. Substantial evidence means "facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a Special Use Permit and that reasonable persons would accept in support of a conclusion." Any requirements and conditions listed for approval must be reasonable, and to the extent practicable, measurable.

Finding of Fact: This request was reviewed in accordance with the standards (proper zoning district, district regulations, special regulations, comprehensive plan and other plans, traffic, landscaping and screening, neighborhood compatibility, and impact on services) for granting a Special Use Permit under Section 23-66(e)(1-8) of the Municipal Code, which were found in the affirmative, as long as all stipulations are satisfied.

RECOMMENDATION

Staff recommends, based on the above analysis, that Special Use Permit #2-22 for a restaurant with alcohol sales and service located at 127 S. Memorial Drive (Tax Id #31-3-0972-00), as shown on the attached maps and per attached plan of operation, along with the attached resolution, **BE APPROVED** to run with the land, subject to the following conditions:

1. The applicant shall receive approval of a Liquor License from the City Clerk prior to serving alcohol on the premises.

Substantial Evidence: This condition provides notice to the applicant that a Liquor License is also needed prior to serving alcohol.

2. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Appleton Municipal Code.

Substantial Evidence: This condition is one of the special regulations included in Section 23-66(h)(6) of the Zoning Ordinance for this particular use.

3. The site shall be kept free of litter and debris.

Substantial Evidence: This condition is one of the special regulations included in Section 23-66(h)(6) of the Zoning Ordinance for this particular use.

4. All Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws shall be complied with.

Substantial Evidence: This condition is one of the special regulations included in Section 23-66(h)(6) of the Zoning Ordinance for this particular use.

Special Use Permit #2-22

March 23, 2022

Page 4

5. The serving and consumption of alcohol is limited to the interior ground floor of the building, as identified on the attached development plan drawings. Any future expansions for the serving and/or consumption of alcohol may require a major or minor amendment request to this Special Use Permit, pursuant to Section 23-66(g) of the Municipal Code.

Substantial Evidence: Standardized condition that establishes parameters for the current application and identifies the process for review of any future changes to the special use.

6. This Special Use Permit is needed for on-site alcohol sales and consumption. Compliance with the plan of operation is required at all times. Changes to the plan of operation, including any future changes to the agent/operator, shall be submitted to the Community and Economic Development Department for review and approval.

Substantial Evidence: Standardized condition that establishes parameters for the current application and identifies the process for review of any future changes to the special use.

**CITY OF APPLETON
RESOLUTION FOR SPECIAL USE PERMIT #2-22
RESTAURANT WITH ALCOHOL
127 SOUTH MEMORIAL DRIVE**

WHEREAS, Sarah Gregory, Topsy Taco, has applied for a Special Use Permit for a restaurant with alcohol sales and service located at 127 South Memorial Drive, also identified as Parcel Number 31-3-0972-00; and

WHEREAS, the location for the proposed restaurant with alcohol sales and service is located in the CBD Central Business District, and the proposed use may be permitted by Special Use Permit within this zoning district pursuant to Chapter 23 of the Municipal Code; and

WHEREAS, the City of Appleton Plan Commission held a public hearing on March 23, 2022 on Special Use Permit #2-22, at which all those wishing to be heard were allowed to speak or present written comments and other materials at the public hearing; and

WHEREAS, the City of Appleton Plan Commission has reviewed and considered the Community and Economic Development Department's staff report and recommendation, as well as other spoken and written evidence and testimony presented at the public hearing; and

WHEREAS, the City of Appleton Plan Commission reviewed the standards for granting a Special Use Permit under Sections 23-66(e)(1-8) of the Municipal Code; and

WHEREAS, the City of Appleton Plan Commission reviewed the standards for imposing conditions on the Special Use Permit under Section 23-66(c)(5) of the Municipal Code, and forwarded Special Use Permit #2-22 to the City of Appleton Common Council with a favorable conditional or not favorable (CIRCLE ONE) recommendation; and

WHEREAS, the City of Appleton Common Council has reviewed the report and recommendation of the City of Appleton Plan Commission at their meeting on April 6, 2022.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Common Council, based on Community and Economic Development Department's staff report and recommendation, as well as other spoken and written evidence and testimony presented at the public hearing and Common Council meeting, and having considered the recommendation of the City Plan Commission, that the Common Council:

1. Determines all standards listed under Sections 23-66(e)(1-8) of the Municipal Code are found in the affirmative YES or NO (CIRCLE ONE)
2. If NO, the City of Appleton Common Council hereby denies Special Use Permit #2-22 for a restaurant with alcohol sales and service located at 127 South Memorial Drive, also identified as Parcel Number 31-3-0972-00, based upon the following standards and determinations: (List reason(s) why the Special Use Permit was denied)
3. If YES, the City of Appleton Common Council hereby approves Special Use Permit #2-22 for a restaurant with alcohol sales and service located at 127 South Memorial Drive, also identified as Parcel Number 31-3-

0972-00, subject to the following conditions as they are related to the purpose of the City of Appleton Municipal Code and based on substantial evidence:

CONDITIONS OF APPROVAL FOR SPECIAL USE PERMIT #2-22:

- A. The applicant shall receive approval of a Liquor License from the City Clerk prior to serving alcohol on the premises.
 - B. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Appleton Municipal Code.
 - C. The site shall be kept free of litter and debris.
 - D. All Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws shall be complied with.
 - E. The serving and consumption of alcohol is limited to the interior ground floor of the building, as identified on the attached development plan drawings. Any future expansions for the serving and/or consumption of alcohol may require a major or minor amendment request to this Special Use Permit, pursuant to Section 23-66(g) of the Municipal Code.
 - F. This Special Use Permit is needed for on-site alcohol sales and consumption. Compliance with the plan of operation is required at all times. Changes to the plan of operation, including any future changes to the agent/operator, shall be submitted to the Community and Economic Development Department for review and approval.
4. The City Clerk’s Office is hereby directed to give a copy of this resolution to the owner/applicant, Community and Economic Development Department, Inspections Division, and any other interested party.

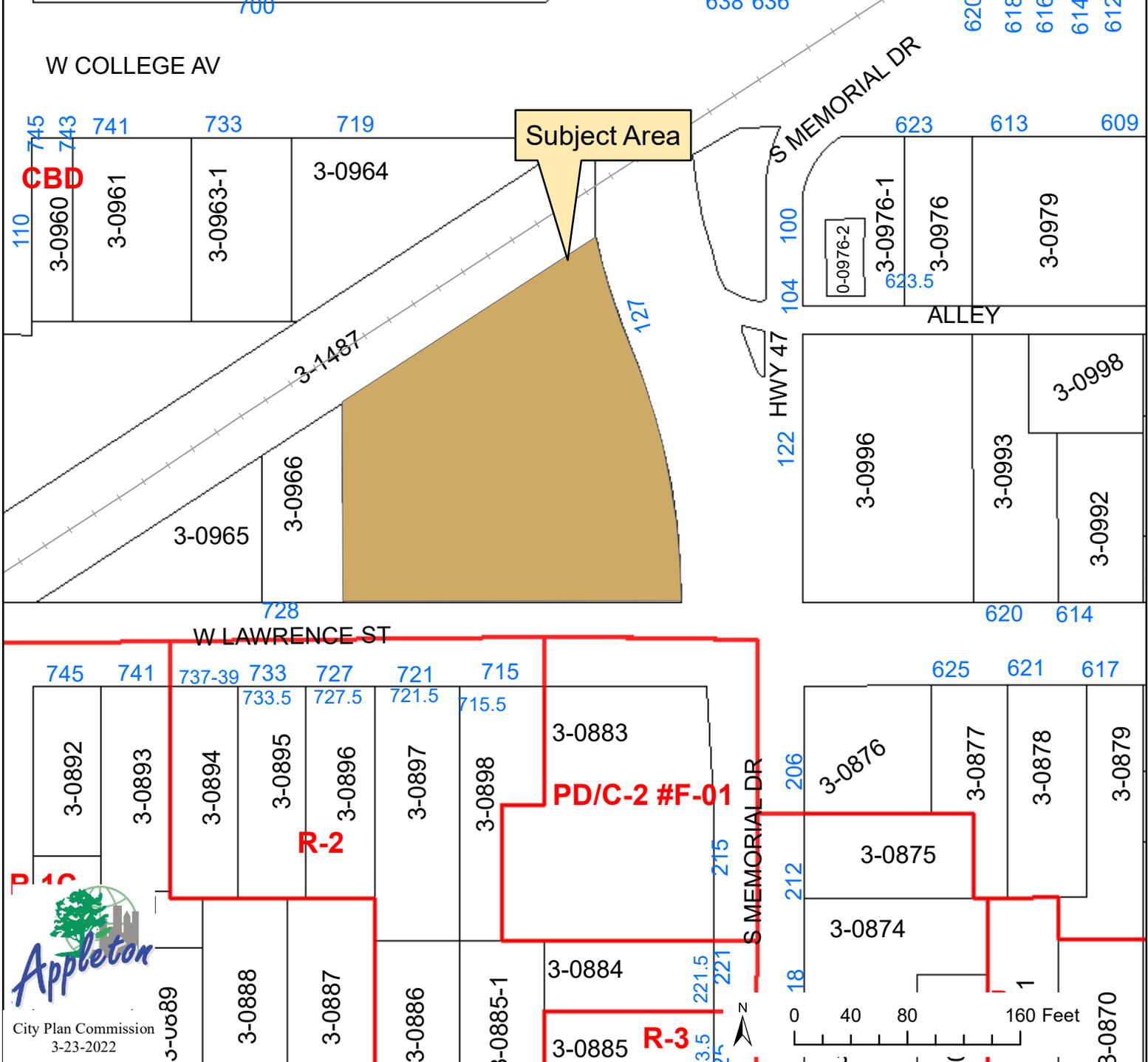
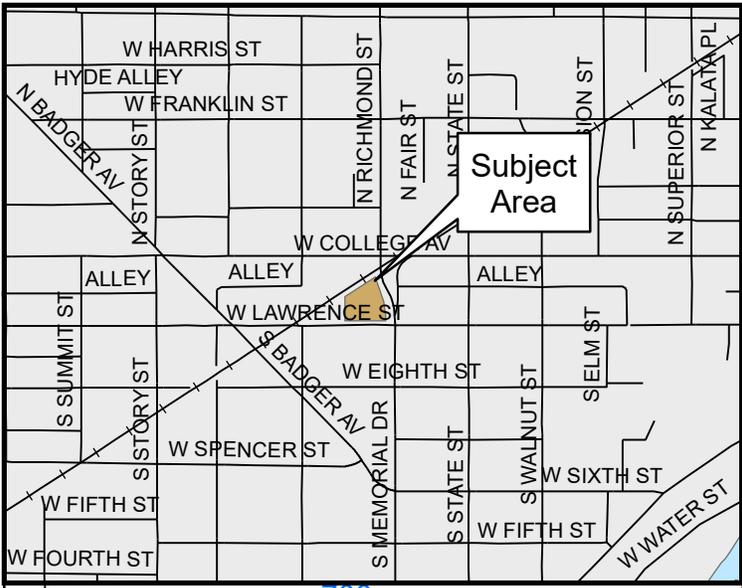
Adopted this _____ day of _____, 2022.

Jacob A. Woodford, Mayor

ATTEST:

Kami Lynch, City Clerk

127 S. Memorial Drive
 Special Use Permit
 Restaurant with Alcohol Sales
 Zoning Map



127 S. Memorial Drive
Special Use Permit
Restaurant with Alcohol Sales
Aerial Map



Subject Area



City Plan Commission
3-23-2022



PLAN OF OPERATION AND LOCATIONAL INFORMATION

Business Information:

Name of business: Tipsy Taco LLC

Years in operation: 8 Current restaurant 14 years

Type of proposed establishment (detailed explanation of business):

Full service bar & restaurant.
catering capability
private dining space.

Proposed Hours of Operation:

Day	From	To
Monday thru Thursday	11am	9pm
Friday	11am	10pm
Saturday	11am	10pm
Sunday	11am	8pm

Building Capacity and Storage Areas:

Maximum number of persons permitted to occupy the building or tenant space as determined by the International Building Code (IBC) or the International Fire Code (IFC), whichever is more restrictive: 320 persons

Gross floor area of the existing building(s):

17,670 square feet

Gross floor area of the proposed building(s):

7,758 square feet

Identify location, number, capacity and flammable liquid materials stored in storage tanks or containers:

Kitchen - grills, stovetop

Odor:

Describe any potential smoke, odors emanating from the proposed use and plans to control them:

N/A

Noise:

Describe the noise levels anticipated from the proposed use and all mechanical equipment:

all indoor space, contained

How will the noise be controlled?

N/A

Outdoor Lighting:

Type: parking lot lighting, signage

Location: _____

Off-Street Parking:

Number of spaces existing on-site: 48

Number of spaces proposed on-site: 48

Street Access:

Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

~~NONE~~ Yes, use existing access points.

Outdoor Uses:

Size: 0 square feet

Type and location of outdoor storage area(s) of business property, goods, or merchandise not intended for customer viewing or immediate sale:

NA

Type and height of screening of plantings/fencing/gating for outdoor storage area(s):

NA

Type, location, size of outdoor display area(s) of merchandise for sale or other business property:

NA

Number of Employees:

Number of existing employees: _____

Number of proposed employees: 25

Number of employees scheduled to work on the largest shift: 12

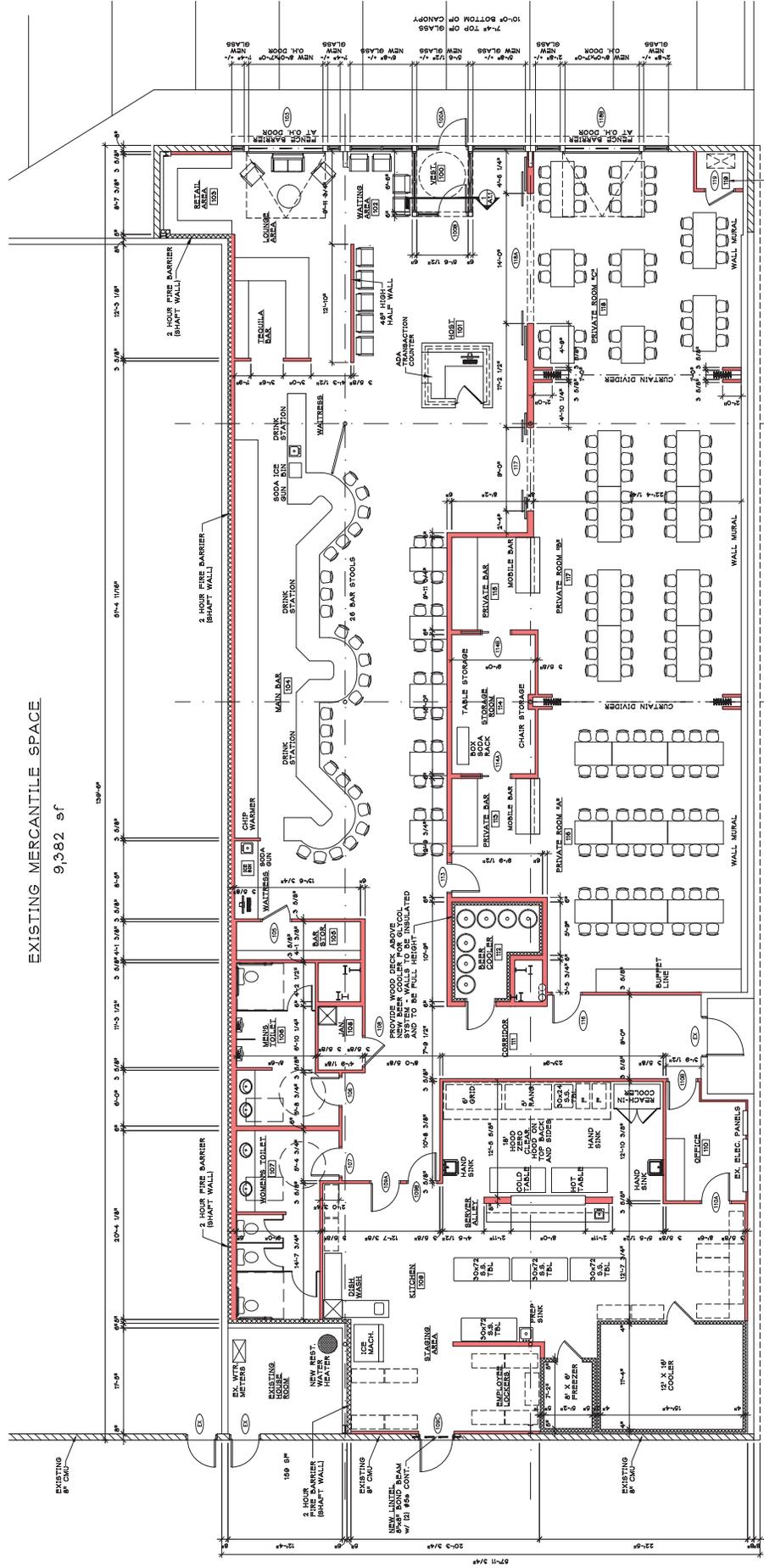


237 RANDOLPH DRIVE - SUITE C
 APPLETON, WI 54913
 TEL: 920-707-4236 FAX: 920-740-8072

SANGRIA'S MEXICAN GRILL
 SCHEMATIC DESIGN FOR,
 APPLETON, WISCONSIN

DATE: JAN 10, 2022
 ARCH: K. BELL
 D. BY: S. BERTON
 JOB: _____
 REV: _____

A
1.0



EXISTING MERCANTILE SPACE
 9,382 sf

300 MAX CAPACITY
 7,758 sf
FLOOR PLAN
 SCALE: 3/16"=1'-0"

ALL INTERIOR COLUMNS AND PARTS OF THE PLAN ARE EXISTING
 THE EXISTING WEST WALL NON-BEARING ST. CMU WHICH ARE EQUIVALENT TO A RATING MINIMUM OF A 1 HOUR

NEW WINDOWS TO HAVE A PER TABLE C402.4 OF THE 2015 IBC
 NEW DOOR TO HAVE A U-VALUE OF 0.77 OR BETTER PER TABLE C402.4 OF THE 2015 IBC

FINAL GLAZING DIMENSIONS BY SELECTED CONTRACTOR
 ALL INTERIOR WALLS ARE DIMENSIONED FOR STUDS CAN ALSO BE UTILIZED



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Date: March 23, 2022

Common Council Meeting Date: April 6, 2022

Item: Special Use Permit #3-22 for restaurant alcohol sales and service

Case Manager: Don Harp, Principal Planner

GENERAL INFORMATION

Owner: 320 East College Avenue, LLC – Jason Tadych

Applicant: Aaron Phillipson, All Tied Up Floral Cafe

Address/Parcel #: 324 East College Avenue, (Tax Id # 31-2-0343-00)

Petitioner's Request: The applicant is requesting a Special Use Permit for a restaurant with alcohol sales and service.

BACKGROUND

On September 18, 2020, Site Plan #13-20 was approved for a mixed-used commercial and multi-family residential building to be constructed on the subject site.

On December 9, 2020, Building Permit #B20-1084 was approved to allow for the construction of the mixed-used commercial and multi-family residential building on the subject site. The building is currently under construction.

STAFF ANALYSIS

Project Summary: All Tied Up Floral Café is a full-service florist, bakery, coffee house, retail gift shop, and café (light breakfast and lunch menu with light dinner menu expected). The business operations will occupy approximately 1,433 square feet of space on the 1st floor (Suite A) of the building.

Site Conditions (building under construction): The mixed-use building will consist of thirty-nine (39) residential dwelling units, two (2) ground floor commercial units, and forty-four (44) indoor parking spaces.

Operational Information: A plan of operation is attached to the staff report.

Outdoor Seating Area: A sidewalk café with alcohol sales is not proposed with this special use permit.

Zoning Development Standards: The zoning development standards of the CBD Central Business District have been reviewed and satisfied pursuant to Site Plan approval #13-20 and Building Permit B20-1084.

Zoning Ordinance Requirements (Alcohol Sales): The subject property has a zoning designation of CBD Central Business District. Per Section 23-114(e) of the Municipal Code, a restaurant with alcohol sales and service requires a Special Use Permit in the CBD District. In order to permit alcohol sales and service in conjunction with the proposed restaurant, the Plan Commission makes a recommendation to the Common Council who will make the final decision on the Special Use Permit. A two-thirds (2/3) vote of the Common Council is required for approval.

Surrounding Zoning and Land Uses: The surrounding area is under the jurisdiction of the City of Appleton (north, south, east, and west). The uses are generally commercial and residential in nature.

North: CBD Central Business District. The adjacent land uses to the north are currently a mix of uses, including residential, drive-thru coffee and surface parking.

South: CBD Central Business District. The adjacent land uses to the south are currently a mix of uses, including Lawrence University Offices, 2nd floor dwelling units, restaurant with alcohol sales and service.

East: CBD Central Business District. The adjacent land use to the east is the Outagamie History Museum.

West: CBD Central Business District. The adjacent land uses to the west are currently a mix of commercial uses, including retail and a tavern.

Appleton Comprehensive Plan 2010-2030: Community and Economic Development staff has reviewed this proposal and determined it is compatible with the Central Business District designation shown on the City's *Comprehensive Plan 2010-2030* Future Land Use Map. Listed below are related excerpts from the City's *Comprehensive Plan 2010-2030*.

Goal 1 – Community Growth

Appleton will continue to provide opportunities for residential, commercial, and industrial growth, including appropriate redevelopment sites within the downtown and existing neighborhoods, and greenfield development sites at the City's edge.

Goal 8 – Economic Development

Appleton will pursue economic development that retains and attracts talented people, brings good jobs to the area, and supports the vitality of its industrial areas, downtown, and neighborhood business districts.

OBJECTIVE 9.4 Economic Development:

Ensure the continued vitality of downtown and the City's neighborhood commercial districts.

Chapter 14 Downtown Plan, Initiative 4 Downtown Development and Business Retention:

Strategy 4.8 – Support private sector efforts to redevelop and invest in downtown.

Zoning Ordinance Requirements and Substantial Evidence: When reviewing an application for a Special Use Permit, the City must determine if the applicant's proposal satisfies Municipal Code requirements and conditions. Pursuant to Section 23-66(c)(5) of the Municipal Code, the Plan Commission and Common Council must provide substantial evidence supporting their decision to approve, approve with conditions, or deny the Special Use Permit. Substantial evidence means "facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a Special Use Permit and that reasonable persons would accept in support of a conclusion." Any requirements and conditions listed for approval must be reasonable, and to the extent practicable, measurable.

Finding of Fact: This request was reviewed in accordance with the standards for granting a Special Use Permit under Section 23-66(e)(1-8) of the Municipal Code: (1. *proper zoning district:* CBD zoning allows restaurants with alcohol as a special use permit; 2. *zoning district regulations:* the district regulations were reviewed pursuant to Site Plan #13-20 and Building Permit B20-1084; 3. *special regulations:* stipulations 1, 2, 3 and 4 (below) address the special regulations for restaurants with alcohol sales; 4. *consistent with comprehensive plan and other plans:* yes, see above analysis; 5. *traffic:* the proposed use is not expected to create undue traffic congestion, it is anticipated customers will utilize on-street and ramp parking spaces to park their cars and other multi-modal transportation options are available too; 6. *landscaping and screening:* not applicable to this use, the CBD District allows 100% lot coverage; 7. *neighborhood compatibility:* the proposed use is located near similar commercial uses in this area of the City; 8. *impact on services:* the City has existing utilities, services and equipment in place to serve this proposed use). These standards were found in the affirmative, as long as all stipulations are satisfied.

Technical Review Group (TRG) Report: This item appeared on the March 1, 2022 TRG agenda.

- **Department of Public Works Comments:** A street occupancy permit must be applied for and approved prior to the placement of tables and chairs within the amenity strip along College Avenue. Applications for a street occupancy permit can be obtained by contacting (920) 832-6474.

RECOMMENDATION

Staff recommends, based on the above, that Special Use Permit #3-22 for a restaurant with alcohol sales and service located at 324 East College Avenue, (Tax Id #31-2-0343-00), as shown on the attached maps and per attached plan of operation, along with the attached resolution, **BE APPROVED** to run with the land, subject to the following conditions:

1. The applicant shall receive approval of a Liquor License from the City Clerk prior to serving alcohol on the premises.

Substantial Evidence: This condition provides notice to the applicant that a Liquor License is also needed prior to serving alcohol.

2. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Appleton Municipal Code.

Substantial Evidence: This condition is one of the special regulations included in Section 23-66(h)(6) of the Zoning Ordinance for this particular use.

3. The site shall be kept free of litter and debris.

Substantial Evidence: This condition is one of the special regulations included in Section 23-66(h)(6) of the Zoning Ordinance for this particular use.

4. All Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws shall be complied with.

Substantial Evidence: This condition is one of the special regulations included in Section 23-66(h)(6) of the Zoning Ordinance for this particular use.

5. Any expansions of the special use, changes to the development plan(s), plan of operation or any conditions of approval may require a major or minor amendment request to this Special Use Permit pursuant to Section 23-66(g) of the Zoning Ordinance. Contact the Community and Economic Development Department to discuss any proposed changes.

Substantial Evidence: Standardized condition that establishes parameters for the current application and identifies the process for review of any future changes to the special use.

**CITY OF APPLETON
RESOLUTION FOR SPECIAL USE PERMIT #3-22
324 EAST COLLEGE AVENUE**

WHEREAS, Aaron Phillipson, All Tied Up Floral Cafe, has applied for a Special Use Permit for a restaurant with alcohol sales and service located at 324 East College Avenue also identified as Parcel Number 31-2-0343-00; and

WHEREAS, the location for the proposed restaurant with alcohol sales and service is located in the CBD Central Business District, and the proposed use may be permitted by Special Use Permit within this zoning district pursuant to Chapter 23 of the Municipal Code; and

WHEREAS, the City of Appleton Plan Commission held a public hearing on March 23, 2022 on Special Use Permit #3-22, at which all those wishing to be heard were allowed to speak or present written comments and other materials at the public hearing; and

WHEREAS, the City of Appleton Plan Commission has reviewed and considered the Community and Economic Development Department's staff report and recommendation, as well as other spoken and written evidence and testimony presented at the public hearing; and

WHEREAS, the City of Appleton Plan Commission reviewed the standards for granting a Special Use Permit under Sections 23-66(e)(1-8) of the Municipal Code; and

WHEREAS, the City of Appleton Plan Commission reviewed the standards for imposing conditions on the Special Use Permit under Section 23-66(c)(5) of the Municipal Code, and forwarded Special Use Permit #3-22 to the City of Appleton Common Council with a favorable conditional or not favorable (CIRCLE ONE) recommendation; and

WHEREAS, the City of Appleton Common Council has reviewed the report and recommendation of the City of Appleton Plan Commission at their meeting on April 6, 2022.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Common Council, based on Community and Economic Development Department's staff report and recommendation, as well as other spoken and written evidence and testimony presented at the public hearing and Common Council meeting, and having considered the recommendation of the City Plan Commission, that the Common Council:

1. Determines all standards listed under Sections 23-66(e)(1-8) of the Municipal Code are found in the affirmative YES or NO (CIRCLE ONE)
2. If NO, the City of Appleton Common Council hereby denies Special Use Permit #3-22 for a restaurant with alcohol sales and service located at 324 East College Avenue, also identified as Parcel Number 31-2-0343-00, based upon the following standards and determinations: (List reason(s) why the Special Use Permit was denied)
3. If YES, the City of Appleton Common Council hereby approves Special Use Permit #3-22 for a restaurant with alcohol sales and service located at 324 East College Avenue, also identified as Parcel Number 31-2-

0343-00, subject to the following conditions as they are related to the purpose of the City of Appleton Municipal Code and based on substantial evidence:

CONDITIONS OF APPROVAL FOR SPECIAL USE PERMIT #3-22

- A. The applicant shall receive approval of a Liquor License from the City Clerk prior to serving alcohol on the premises.
 - B. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Appleton Municipal Code.
 - C. The site shall be kept free of litter and debris.
 - D. All Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws shall be complied with.
 - E. Any expansions of the special use, changes to the development plan(s), plan of operation or any conditions of approval may require a major or minor amendment request to this Special Use Permit pursuant to Section 23-66(g) of the Zoning Ordinance. Contact the Community and Economic Development Department to discuss any proposed changes.
4. The City Clerk’s Office is hereby directed to give a copy of this resolution to the owner/applicant, Community and Economic Development Department, Inspections Division, and any other interested party.

Adopted this _____ day of _____, 2022.

Jacob A. Woodford, Mayor

ATTEST:

Kami Lynch, City Clerk

PLAN OF OPERATION AND LOCATIONAL INFORMATION

Business information:

Name of business: All Tied Up Floral Cafe LLC

Years in operation: 5

(Check applicable proposed business activity(s) proposed for the premises)

- Restaurant
- Tavern/Night Club/Wine Bar
- Painting/Craft Studio
- Microbrewery/Brewpub (manufacturing a total of not more than 310,000 U.S. gallons of fermented malt beverages per calendar year)
- Brewery (manufacturing a total of more than 310,000 U.S. gallons of fermented malt beverages per calendar year)
- Winery (manufacturing of wine)
- Craft-Distillery (manufacturing a total of not more than 100,000 proof gallons of intoxicating liquor per calendar year)
- Distillery (manufacturing a total of more than 100,000 proof gallons of intoxicating liquor per calendar year)
- Tasting room offering fermented malt beverages, wine or intoxicating liquor for consumption and/or retail sales on the premises where the fermented malt beverages, wine or intoxicating liquor is manufactured and/or at an off-premises location associated with premises. Tasting rooms may include food sales.
- Other retail

Detailed explanation of proposed business activities:

All Tied Up Floral Cafe is a full service florist, bakery, coffee house, retail & gift sales, and cafe. We offer a light breakfast menu, as well as lunch menu, and are hoping to expand to a light evening menu with wine and beer availability.

Existing gross floor area of building/tenant space, including outdoor spaces:

(square feet) 1433

Proposed gross floor area of building/tenant space, including outdoor spaces:

(square feet) 1433

Occupancy limits:

Maximum number of persons permitted to occupy the building or tenant space as determined by the International Building Code (IBC) or the International Fire Code (IFC), whichever is more restrictive: 25 persons.

Proposed Hours of Operation for Indoor Uses:

Day	From	To
Monday thru Thursday	7am	8pm
Friday	7am	9pm
Saturday	7am	9pm
Sunday	9am	2pm

Production/Storage information:

(Check applicable proposed business activity(s) proposed for the premises)

- Current production of fermented malt beverages: _____ U.S. gallons per year
- Proposed production of fermented malt beverages: _____ U.S. gallons per year
- Current production of wine: _____ U.S. gallons per year
- Proposed production of wine: _____ U.S. gallons per year
- Current production of intoxicating liquor: _____ proof gallons per year
- Proposed production of intoxicating liquor: _____ proof gallons per year
- None. If none, leave the following 2 storage questions blank.

Identify location of grains and/or juice, grapes, other fruits or other agricultural product storage and type of storage container(s) used:

N/A

Identify the storage location of spent grains and/or grapes, other fruits or other agricultural products and type of storage container(s) used:

N/A

Outdoor Space Uses:

(Check applicable outdoor space uses)

- Patio
- Deck
- Sidewalk Café
- Other _____.
- None. If none, leave the following questions in this section blank.

Size: **48** _____ square feet

Type of materials used and height of material to enclose the perimeter of the outdoor space:

Fencing Landscaping Other _____ Height _____ feet

Is there any alcohol consumption incorporated within the outdoor facility? Yes No

If yes, please describe:

Are there plans for outdoor music/entertainment? Yes No

If yes, describe how the noise will be controlled:

Is there any food service incorporated in this outdoor facility proposal? Yes No

Proposed Hours of Operation for Outdoor Space:

Day	From	To
Monday thru Thursday	8am	5pm
Friday	8am	5pm
Saturday	8am-	5pm
Sunday	9am	2pm

NOTE: Hours of Operation for Outdoor Uses (Sidewalk Café with Alcohol):

******Municipal Code Section 9-262(b)(4): The permit holder can begin serving alcoholic beverages in the sidewalk café at 4:00 p.m. Monday through Friday and 11:00 a.m. on Saturday and Sunday. All alcoholic beverages must be removed from the sidewalk café by 9:30 p.m.**

Describe Any Potential Noise Emanating From the Proposed Use:

Describe the noise levels anticipated from all equipment or other mechanical sources:
No loud noise is anticipated.

Describe how the crowd noise will be controlled inside and outside the building:
No crowd noise is anticipated other than mild conversation sounds.

Off-Street Parking:

Number of spaces existing on-site: 1 employee stall

Number of spaces proposed on-site: _____

Street Access:

Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?
street access is currently sufficient

Other Licensed Premises:

The number of licensed premises within the immediate geographic area of the proposed location will be considered in order to avoid an undue concentration that may have the potential of creating public safety problems or deterring neighborhood development.

List nearby licensed premises:
Dr Jekylls, Taste of Thai

Number of Employees:

Number of existing employees: 4

Number of proposed employees: 8

Number of employees scheduled to work on the largest shift: 4

Special Use Permit
Restaurant with Alcohol Sales
324 E College Avenue
Aerial Map

2-0

E JOHNSTON ST

2-0343

2-0341

2-0342

2-0340

2-0346

2-034

Subject Area

308

314

320

322

324

326

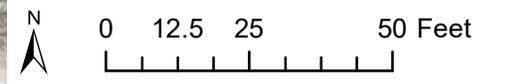
33

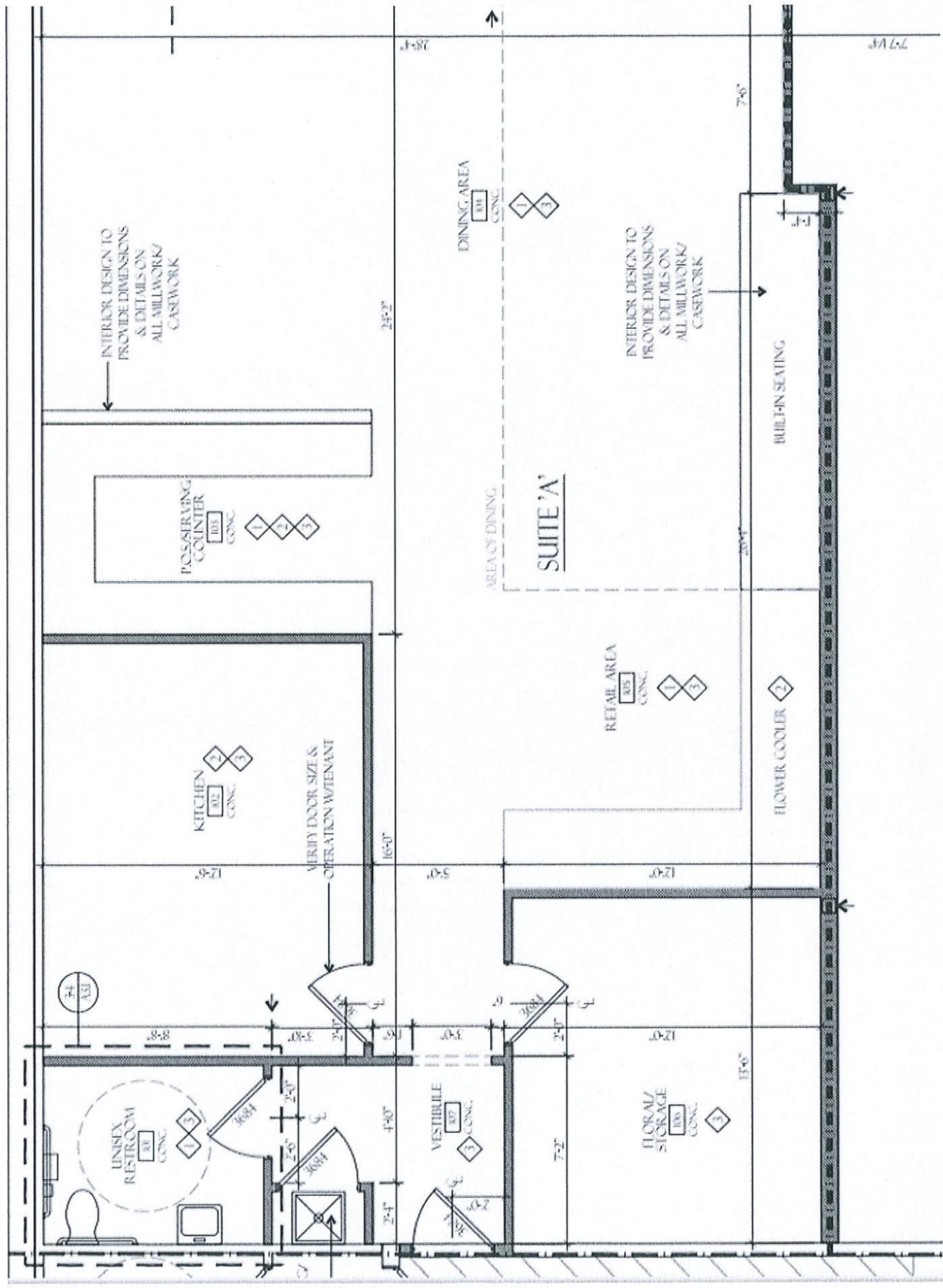
E COLLEGE AV



City Plan Commission
3-23-2022

13 15 19 21





E. College Ave.



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Date: March 23, 2022

Common Council Meeting Date: April 6, 2022

Item: Special Use Permit #4-22 for restaurant with alcohol sales and service

Case Manager: Jessica Titel, Principal Planner

GENERAL INFORMATION

Owner/Applicant: Desamour Properties, LLC / Area 509 – Reginald Desamour

Address/Parcel #: 1025 N. Badger Avenue (Tax Id #31-5-2090-00)

Petitioner's Request: The applicant is requesting a Special Use Permit for alcohol sales and service in conjunction with a restaurant and associated outdoor seating area.

BACKGROUND

The subject area is located at the southwest corner of North Badger Avenue/North Linwood Avenue and West Spring Street. The property currently consists of a single tenant commercial building and associated off-street parking lot. The existing building is approximately 1,452 square feet in size. Area 509 recently opened and is operating as a restaurant (without alcohol). The applicant recently applied for a Liquor License that includes Class B beer and Class C wine.

Special Use Permit #5-11 for Lolita's Restaurant was approved by the Common Council on May 18, 2011 for a restaurant with alcohol sales. Lolita's discontinued operation and subsequent businesses in this location did not include alcohol sales and service. A new Special Use Permit is needed due to the lapse in time since alcohol sales and service has occurred on this site and the expansion of alcohol sales and service for the proposed outdoor seating area.

STAFF ANALYSIS

Project Summary: The applicant proposes to establish a restaurant with alcohol sales and service on the subject site, which would occupy the existing building that is approximately 1,452 square feet in size. The applicant is also proposing an outdoor seating area and seasonal outdoor bar. The outdoor seating area is approximately 5,994 square feet. Alcohol consumption in the outdoor seating area will only occur when the outdoor bar is open and staffed. Customers are welcome to take their food to the outdoor seating area when the outdoor bar is not open or staffed, but no alcohol will be consumed during these times. The applicant is proposing a fence around the outdoor seating area.

Operational Information: A plan of operation is attached to the staff report.

Outdoor Seating Area: The outdoor seating area is approximately 5,994 square feet. Alcohol consumption in the outdoor seating area will only occur when the outdoor bar is open and staffed.

Special Use Permit #4-22

March 23, 2022

Page 2

Customers are welcome to take their food to the outdoor seating area when the outdoor bar is not open or staffed, but no alcohol will be consumed during these times.

Existing Site Conditions: The existing single-story building totals approximately 1,452 square feet in size. The 19,659 square foot site also includes an off-street parking lot, with access from West Spring Street and North Linwood Avenue.

There is a small portion of this lot that is currently zoned R-1B single family residential district. This has been the case for many years and this parcel has historically been used for commercial purposes. No commercial activities are permitted within the R-1B zoned portion of the property.

Current Zoning and Procedural Findings: The subject property has a zoning designation of C-2 General Commercial District. Per Section 23-113(e) of the Municipal Code, a restaurant with alcohol sales and service requires a Special Use Permit in the C-2 District. The Plan Commission makes a recommendation to the Common Council who will make the final decision on the Special Use Permit. A two-thirds vote of the Common Council is required for approval.

Surrounding Zoning and Land Uses: The surrounding area is under the jurisdiction of the City of Appleton (north, south, east, and west). The uses are generally commercial and residential in nature.

North: C-2 General Commercial District, R-2 Two-Family Residential and R-1B Single Family District. The adjacent land uses to the north are currently residential and a multi-tenant commercial building.

South: R-1B Single Family Residential. The adjacent land uses to the south are residential.

East: R-1B Single Family Residential. The adjacent land uses to the east are residential

West: R-1B Single Family Residential. The adjacent land uses to the west are residential.

Appleton Comprehensive Plan 2010-2030: Community and Economic Development staff has reviewed this proposal and determined it is compatible with goals and objectives found in the City's *Comprehensive Plan 2010-2030*. Listed below are related excerpts from the City's *Comprehensive Plan 2010-2030*.

Goal 1 – Community Growth

Appleton will continue to provide opportunities for residential, commercial, and industrial growth, including appropriate redevelopment sites within the downtown and existing neighborhoods, and greenfield development sites at the City's edge.

Goal 8 – Economic Development

Appleton will pursue economic development that retains and attracts talented people, brings good jobs to the area, and supports the vitality of its industrial areas, downtown, and neighborhood business districts.

OBJECTIVE 9.5 Economic Development:

Encourage new development and redevelopment activities that create vital and attractive neighborhoods and business districts.

Special Use Permit #4-22

March 23, 2022

Page 3

OBJECTIVE 10.2 Land Use:

Encourage redevelopment to meet the demand for a significant share of future growth, and to enhance the quality of existing neighborhoods.

OBJECTIVE 10.5 Land Use:

Support the continued redevelopment and revitalization of land uses adjacent to Appleton's key transportation corridors and downtown.

Technical Review Group (TRG) Report: This item appeared on the March 1, 2022 TRG agenda. No negative comments were received from participating departments.

Zoning Ordinance Requirements and Substantial Evidence: When reviewing an application for a Special Use Permit, the City must determine if the applicant's proposal satisfies Municipal Code requirements and conditions. Pursuant to Section 23-66(c)(5) of the Municipal Code, the Plan Commission and Common Council must provide substantial evidence supporting their decision to approve, approve with conditions, or deny the Special Use Permit. Substantial evidence means "facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a Special Use Permit and that reasonable persons would accept in support of a conclusion." Any requirements and conditions listed for approval must be reasonable, and to the extent practicable, measurable.

Finding of Fact: This request was reviewed in accordance with the standards (proper zoning district, district regulations, special regulations, comprehensive plan and other plans, traffic, landscaping and screening, neighborhood compatibility, and impact on services) for granting a Special Use Permit under Section 23-66(e)(1-8) of the Municipal Code, which were found in the affirmative, as long as all stipulations are satisfied.

RECOMMENDATION

Staff recommends, based on the above analysis, that Special Use Permit #4-22 for a restaurant with alcohol sales and service and associated outdoor seating area located at 1025 N. Badger Avenue (Tax Id #31-5-2090-00), as shown on the attached maps and per attached plan of operation, along with the attached resolution, **BE APPROVED** to run with the land, subject to the following conditions:

1. The applicant shall receive approval of a Liquor License from the City Clerk prior to serving alcohol on the premises.

Substantial Evidence: This condition provides notice to the applicant that a Liquor License is also needed prior to serving alcohol.

2. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Appleton Municipal Code.

Substantial Evidence: This condition is one of the special regulations included in Section 23-66(h)(6) of the Zoning Ordinance for this particular use.

3. The site shall be kept free of litter and debris.

Substantial Evidence: This condition is one of the special regulations included in Section 23-66(h)(6) of the Zoning Ordinance for this particular use.

Special Use Permit #4-22

March 23, 2022

Page 4

4. All Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws shall be complied with.

Substantial Evidence: This condition is one of the special regulations included in Section 23-66(h)(6) of the Zoning Ordinance for this particular use.

5. The serving and consumption of alcohol is limited to the interior ground floor of the building, outdoor bar and the outdoor seating area, as identified on the attached development plan drawings. Any future expansions for the serving and/or consumption of alcohol may require a major or minor amendment request to this Special Use Permit, pursuant to Section 23-66(g) of the Municipal Code.

Substantial Evidence: Standardized condition that establishes parameters for the current application and identifies the process for review of any future changes to the special use.

6. This Special Use Permit is needed for on-site alcohol sales and consumption. Compliance with the plan of operation is required at all times. Changes to the plan of operation, including any future changes to the agent/operator, shall be submitted to the Community and Economic Development Department for review and approval.

Substantial Evidence: Standardized condition that establishes parameters for the current application and identifies the process for review of any future changes to the special use.

**CITY OF APPLETON
RESOLUTION FOR SPECIAL USE PERMIT #4-22
RESTAURANT WITH ALCOHOL
1025 NORTH BADGER AVENUE**

WHEREAS, Reginald Desamour, Area 509, has applied for a Special Use Permit for a restaurant with alcohol sales and service and associated outdoor seating area located at 1025 N. Badger Avenue, also identified as Parcel Number 31-5-2090-00; and

WHEREAS, the location for the proposed restaurant with alcohol sales and service is located in the C-2 General Commercial District, and the proposed use may be permitted by Special Use Permit within this zoning district pursuant to Chapter 23 of the Municipal Code; and

WHEREAS, the City of Appleton Plan Commission held a public hearing on March 23, 2022 on Special Use Permit #4-22, at which all those wishing to be heard were allowed to speak or present written comments and other materials at the public hearing; and

WHEREAS, the City of Appleton Plan Commission has reviewed and considered the Community and Economic Development Department's staff report and recommendation, as well as other spoken and written evidence and testimony presented at the public hearing; and

WHEREAS, the City of Appleton Plan Commission reviewed the standards for granting a Special Use Permit under Sections 23-66(e)(1-8) of the Municipal Code; and

WHEREAS, the City of Appleton Plan Commission reviewed the standards for imposing conditions on the Special Use Permit under Section 23-66(c)(5) of the Municipal Code, and forwarded Special Use Permit #4-22 to the City of Appleton Common Council with a favorable conditional or not favorable (CIRCLE ONE) recommendation; and

WHEREAS, the City of Appleton Common Council has reviewed the report and recommendation of the City of Appleton Plan Commission at their meeting on April 6, 2022.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Common Council, based on Community and Economic Development Department's staff report and recommendation, as well as other spoken and written evidence and testimony presented at the public hearing and Common Council meeting, and having considered the recommendation of the City Plan Commission, that the Common Council:

1. Determines all standards listed under Sections 23-66(e)(1-8) of the Municipal Code are found in the affirmative YES or NO (CIRCLE ONE)
2. If NO, the City of Appleton Common Council hereby denies Special Use Permit #4-22 for a restaurant with alcohol sales and service and associated outdoor seating area located at 1025 N. Badger Avenue, also identified as Parcel Number 31-5-2090-00, based upon the following standards and determinations: (List reason(s) why the Special Use Permit was denied)

3. If YES, the City of Appleton Common Council hereby approves Special Use Permit #4-22 for a restaurant with alcohol sales and service and associated outdoor seating area located at 1025 N. Badger Avenue, also identified as Parcel Number 31-5-2090-00, subject to the following conditions as they are related to the purpose of the City of Appleton Municipal Code and based on substantial evidence:

CONDITIONS OF APPROVAL FOR SPECIAL USE PERMIT #4-22:

- A. The applicant shall receive approval of a Liquor License from the City Clerk prior to serving alcohol on the premises.
 - B. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Appleton Municipal Code.
 - C. The site shall be kept free of litter and debris.
 - D. All Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws shall be complied with.
 - E. The serving and consumption of alcohol is limited to the interior ground floor of the building, outdoor bar and the outdoor seating area, as identified on the attached development plan drawings. Any future expansions for the serving and/or consumption of alcohol may require a major or minor amendment request to this Special Use Permit, pursuant to Section 23-66(g) of the Municipal Code.
 - F. This Special Use Permit is needed for on-site alcohol sales and consumption. Compliance with the plan of operation is required at all times. Changes to the plan of operation, including any future changes to the agent/operator, shall be submitted to the Community and Economic Development Department for review and approval.
4. The City Clerk's Office is hereby directed to give a copy of this resolution to the owner/applicant, Community and Economic Development Department, Inspections Division, and any other interested party.

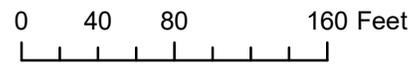
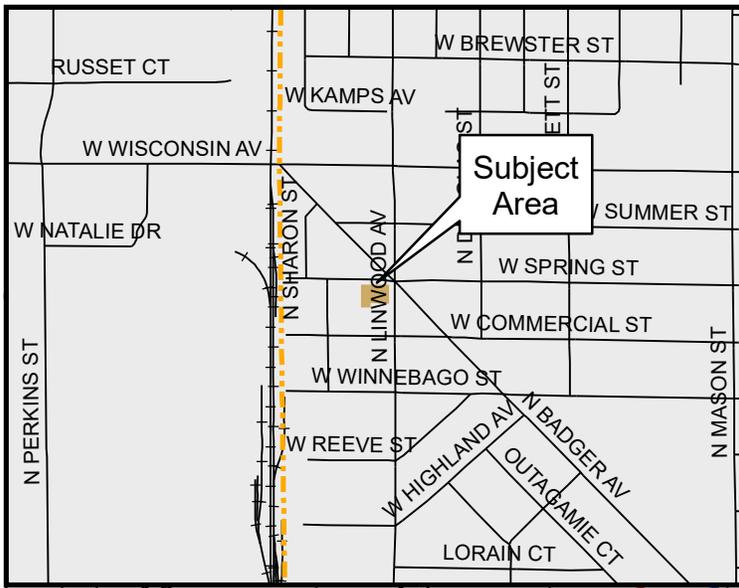
Adopted this _____ day of _____, 2022.

Jacob A. Woodford, Mayor

ATTEST:

Kami Lynch, City Clerk

1025 N. Badger Avenue
Special Use Permit
Restaurant with Alcohol Sales
Zoning Map



PLAN OF OPERATION AND LOCATIONAL INFORMATION

Business Information:

Name of business: Area 509

(Check applicable proposed business activity(s) proposed for the building or tenant space)

- Restaurant
- Bar/Night Club
- Wine Bar
- Microbrewery
- Other _____.

Years in operation: new business

Percentage of business derived from food service: 60 %

Type of proposed establishment (detailed explanation of business operations):

Limited service Caribbean restaurant with indoor seating for 22 and outdoor grassy area with seating. Outdoor bar in shipping container in future plans.

Proposed Hours of Operation for Indoor Uses:

Day	From	To
Week Days Monday thru Thursday	11 am	8 pm
Friday	11 am	10 pm
Saturday	11 am	10 pm
Sunday	11 am	8 pm

Building Capacity and Area:

Maximum number of persons permitted to occupy the building or tenant space as determined by the International Building Code (IBC) or the International Fire Code (IFC), whichever is more restrictive: 49 persons

Gross floor area of the existing building(s): 1452 square feet

Gross floor area of the proposed building(s): 1452 square feet

Describe Any Potential Noise Emanating From the Proposed Use:

Describe the noise levels anticipated from all equipment or other mechanical sources:

minimal noise from equipment
inside - kitchen equipment (oven and two fryers)
outside - generator is hosting a food truck

Describe how the crowd noise will be controlled inside and outside the building:

inside - barrier between seating and kitchen, area rugs, machinery
out of dining area
outside - fencing around grass area

If off-street parking is available for the business, describe how noise from the parking lot will be controlled:

fence between parking and surrounding houses

Outdoor Space Uses:

(Check applicable proposed area)

- Patio
- Deck
- Sidewalk Café
- Other grass
- None

Size: 5,994 square feet.

Type of materials used and height of material to enclose the perimeter of the outdoor space:

Fencing Landscaping Other _____ Height 6 feet.

Is there any alcohol service incorporated within the outdoor space? Yes No

Are there plans for outdoor music/entertainment? Yes No

If yes, describe how the noise will be controlled:

fencing and controlled hours (music will not go past 10pm)

Is there any food service incorporated within the outdoor space? Yes No

Proposed Hours of Operation for Outdoor Space:

in season only

Day	From	To
Week Days: Monday thru Thursday	4 pm	8 pm
Friday	4 pm	10 pm
Saturday	4 pm	10 pm
Sunday	4 pm	8 pm

NOTE: Hours of Operation for Outdoor Uses (Sidewalk Café with Alcohol):

******Municipal Code Section 9-262(b)(4): The permit holder can begin serving alcoholic beverages in the sidewalk café at 4:00 p.m. Monday through Friday and 11:00 a.m. on Saturday and Sunday. All alcoholic beverages must be removed from the sidewalk café by 9:30 p.m.**

Off-Street Parking:

Number of spaces existing: 12

Number of spaces proposed: 12

Other Licensed Premises:

The number of licensed premises within the immediate geographic area of the proposed location will be considered in order to avoid an undue concentration that may have the potential of creating public safety problems or deterring neighborhood development.

List nearby licensed premises:

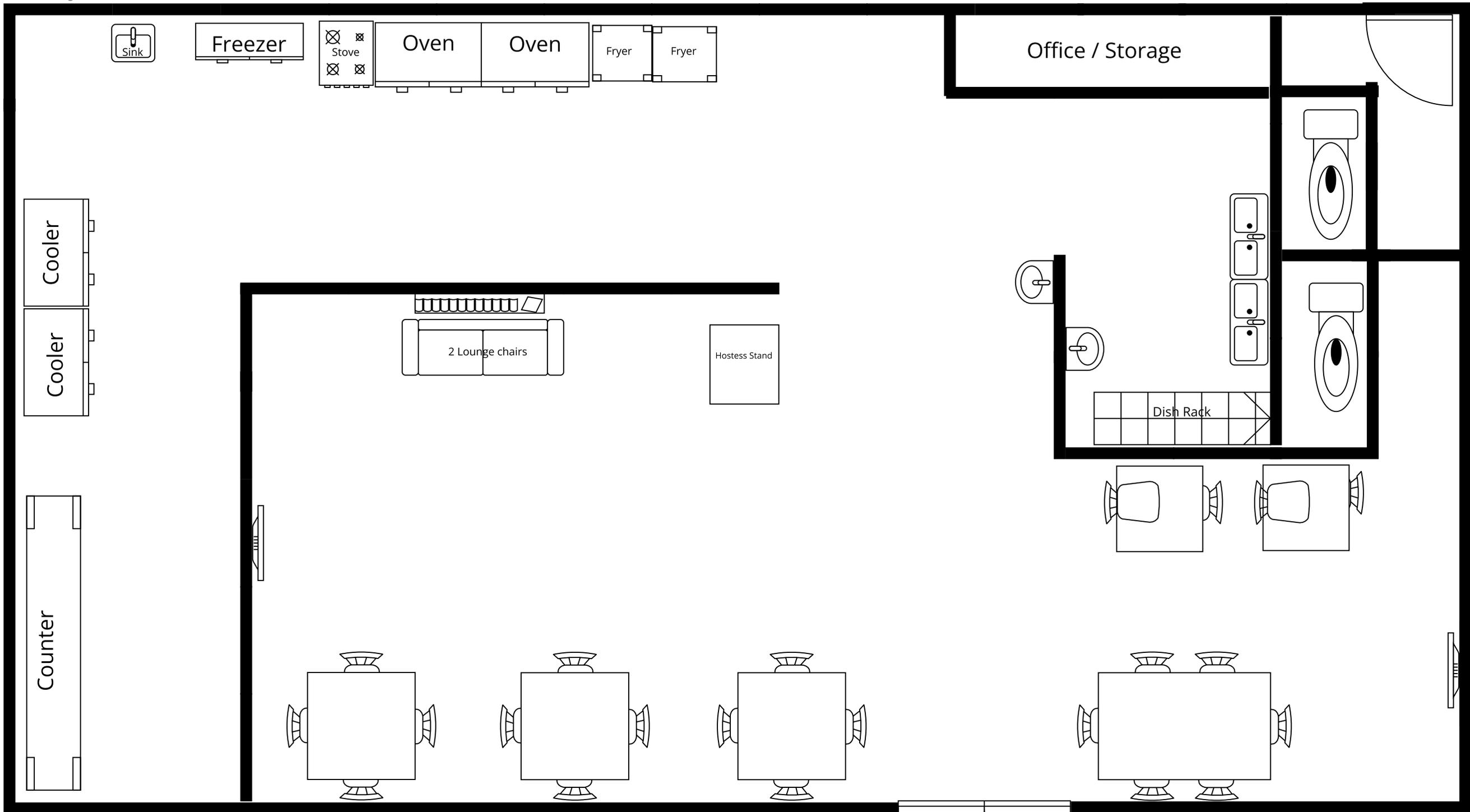
unaware of this information

Number of Employees:

Number of existing employees: 1

Number of proposed employees: 10

Number of employees scheduled to work on the largest shift: 4



Sink

Freezer

Stove

Oven

Oven

Fryer

Fryer

Office / Storage

Cooler

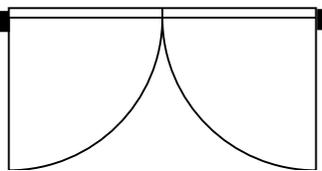
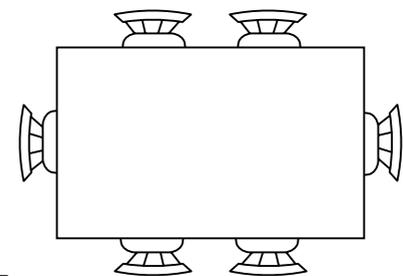
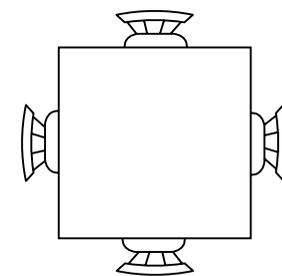
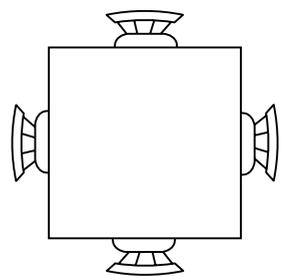
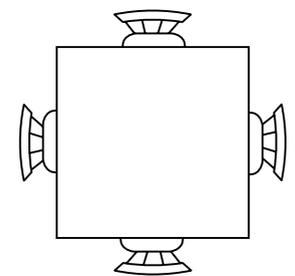
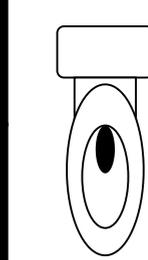
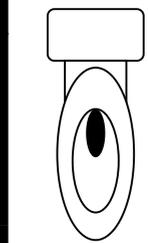
Cooler

Counter

2 Lounge chairs

Hostess Stand

Dish Rack

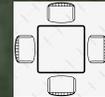
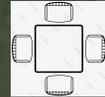
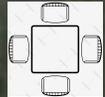




54 feet

Fence

Seating Area



Outdoor Bar
(20' x 8')

111 feet

Fence

New Parking Spaces

4

5

6

7

8

Food Truck

9

10

11

12

Walk-In Cooler

Dumpsters

1025

1025 N Badger Ave,
Appleton, WI 54914

1

2

3



REPORT TO CITY PLAN COMMISSION

Plan Commission Informal Public Hearing Date: March 23, 2022

Common Council Public Hearing Date: April 20, 2022

Item: Floodplain Zoning Amendment - Article X. Floodplain Zoning Division 1. Statutory Authorization, Finding of Fact, Statement of Purpose, Title and General Provisions. Sec. 23-205 (b) (2) Official maps based on other studies related to CLOMR – Case #21-05-3029R.

Staff Contact: Peter Neuberger, P.E., Department of Public Works, Engineering Division

Prepared by: Don Harp, Principal Planner

GENERAL INFORMATION

Owner: Doctors Properties, LLC c/o Henry Chou

Subject Site: Apple Fields plat

Project: Installation of a culvert and fill placement within the Apple Fields plat

Staff Contact/Initiated By: Peter Neuberger, P.E., Department of Public Works, Engineering Division

Petitioner's Request: Floodplain Zoning Amendment - Article X. Floodplain Zoning Division 1. Statutory Authorization, Finding of Fact, Statement of Purpose, Title and General Provisions. Sec. 23-205 (b) (2) Official maps based on other studies related to CLOMR – Case #21-05-3029R.

BACKGROUND/ANALYSIS

The Federal Emergency Management Agency (FEMA) requires local units of government to adopt the national floodplain map so any changes to the national floodplain maps, such as this change in base flood elevation (*the elevation of surface water resulting from a flood that has a 1% chance of equaling or exceeding that level in any given year*), must be approved as a text/map amendment.

The City has received comments and preliminary approval of a Conditional Letter of Map Revision (CLOMR) from the Federal Emergency Management Agency (FEMA) for installation of a culvert and fill placement within the Apple Fields plat. (See attached CLOMR Case #21-05-3029R)

Floodplain Zoning Amendment Chapter 23 Zoning Ordinance
March 23, 2022
Page 2

The Apple Fields plat is located in an area upstream of the limits of the current floodplain mapping, and the proposed changes are required to meet the Department of Natural Resources (DNR) and the Federal Emergency Management (FEMA) requirements for the proposed project. Changes to the floodplain are occurring on the subject property and on adjacent property upstream. Where floodplain elevations increase on neighboring property as a result of the project, the developer has obtained floodplain easements on the affected property.

Following the issuance of the CLOMR, the property owner installs the culvert and fill on the property. Upon completion of the project, the data required on pages 5 and 6 of the CLOMR are submitted to FEMA in order to have an official Letter of Map Amendment or Revision (LOMA/LOMR) issued which officially adjusts the FEMA Floodplain and Flood Insurance Rate Map (FIRM).

Technical Review Group (TRG) Report: This item appeared on the March 1, 2022 TRG agenda. No negative comments were received from participating departments.

RECOMMENDATION:

Pending public comments, staff recommends the proposed amendments to Article X Floodplain Zoning of Chapter 23 of the Municipal Code, Section 23-205 (b) (2) Official maps based on other studies, as attached,
BE APPROVED.

PROPOSED ZONING ORDINANCE TEXT AMENDMENTS

The text recommended to be added is underlined.

Sec. 23-205. General provisions.

(a) ***Areas to be regulated.*** This ordinance regulates all areas that would be covered by the regional flood or base flood as shown on the Flood Insurance Rate Map (FIRM) or other maps approved by DNR. Base flood elevations are derived from the flood profiles in the Flood Insurance Study (FIS) and are shown as AE, A1-30, and AH Zones on the FIRM. Other regulatory zones are displayed as A and AO zones. Regional Flood Elevations (RFE) may be derived from other studies. If more than one map or revision is referenced, the most restrictive information shall apply.

(b) ***Official maps and revisions.*** The boundaries of all floodplain districts are designated as A, AE, AH, AO or A1-30 on the maps based on the Flood Insurance Study (FIS) listed below. Any change to the base flood elevations (BFE) or any changes to the boundaries of the floodplain or floodway in the FIS or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA through the Letter of Map Change process (see Division 8 *Amendments*) before it is effective. No changes to RFE's on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Department of Public Works, City of Appleton. If more than one map or revision is referenced, the most restrictive information shall apply.

(1) ***Official maps based on the FIS:***

- a. Calumet County Flood Insurance Rate Map (FIRM), panel numbers 55015C0007E, 55015C0026E and 55015C0027E dated February 4, 2009; with corresponding profiles that are based on the Calumet County Flood Insurance Study (FIS), dated February 2009, volume number 55015CV000A.
- b. Outagamie County Flood Insurance Rate Map (FIRM) panel numbers 55087C0304E, and 55087C0308E dated January 20, 2016; with corresponding profiles that are based on the Flood Insurance Study (FIS) dated January 20, 2016, volume number 55087CV000B.
- c. Outagamie County Flood Insurance Rate Map (FIRM) panel numbers 55087C0309D, 55087C0314D, 55087C0316D, 55087C0317D, 55087C0318D, 55087C0319D, 55087C0330, 55087C0338D, 55087C0427D, 55087C0431D and 55087C451D dated July 22, 2010; with corresponding profiles that are based on the Outagamie County Flood Insurance Study (FIS) dated July 22, 2010 volume number 55087CV000A.
- d. Outagamie County Flood Insurance Rate Map (FIRM) panel numbers 55087C0328D, 55087C0329D, 55087C0336D, 55087C0337D dated July 22, 2010 and revised August 23, 2013 with corresponding profiles that are based on the Outagamie County Flood Insurance Study (FIS) dated July 22, 2010 volume number 55087CV000A, all revised and annotated pursuant to FEMA Letter of Map Revision Determination Document Case No: 12-05-6032P, Issue Date April 10, 2013, Effective Date August 23, 2013.

Approved by: The DNR and FEMA

- (2) ***Official maps based on other studies.*** Any maps referenced in this section must be approved by the DNR and be more restrictive than those based on the FIS at the site of the proposed development.
 - a. LOMR – Case #11-05-7670P, Floodway and Floodplain revisions between Flood Insurance Study (FIS) Cross Section AW to BA, Outagamie County Flood Insurance Rate Map (FIRM) panels 55087C0318D and 55087C0319D, dated July 22, 2010. This reflects changes on the Fox River from just downstream of the Private Middle Dam to approximately 250 feet upstream of the Appleton Upper Dam.

- b. LOMR – Case #13-05-7920P, Floodplain revisions between Flood Insurance Study (FIS) Cross Section AN to AM, Outagamie County Flood Insurance Rate panels 55087C0319D, dated July 22, 2010. This reflects changes along the south side of the Fox River from the College Avenue Bridge to approximately 850 feet downstream.
- c. LOMR – Case #17-05-1963P. Floodplain revisions on Outagamie County Flood Insurance Study (FIS) AAL Tributary Cross Section C, Outagamie County Flood Insurance Rate Map (FIRM) panel 55087C0336D, effective September 29, 2017. This reflects changes along the AAL Tributary from just downstream of Lightning Drive to approximately 200 feet upstream of East Glenhurst Lane.
- d. LOMR – Case #17-05-3854P. Floodplain revisions to Outagamie County Flood Insurance Study (FIS) Fox River Cross Section AS through AW, Outagamie County Flood Insurance Rate Map (FIRM) panel 55087C0319D, effective February 16, 2018. This reflects changes along the Fox River from just upstream of railroad to just downstream of South Oneida Street.
- e. LOMR – Case #20-05-2300P. Floodplain revisions to Outagamie County Flood Insurance Study (FIS) Apple Creek North Cross Section H through J, Outagamie County Flood Insurance Rate Map (FIRM) panel 55087C0328D, effective July 22, 2010. This reflects changes along Apple Creek North from approximately 1,440 feet downstream of Harrier Lance to approximately 160 feet downstream of Ballard Road.
- f. CLOMR – Case #21-05-3029R. Floodplain revisions to Outagamie County Flood Insurance Study (FIS) AAL Tributary from just upstream of East Glenhurst Lane to approximately 500 feet upstream of Everbreeze Circle, Outagamie County Flood Insurance Rate Map (FIRM) panel 55087C0336D, effective November 1, 2021.
- g. Kensington Pond Dam Failure analysis approved by the Department of Natural Resources on January 7, 2008, including:
 - 1. Map dated July 2007 and titled “Figure 2, City of Appleton, Kensington Pond Dam Break Analysis, Hydraulic Shadow” (Hydraulic Shadow boundary from Cross Section 0.001 to 4.84).
 - 2. Floodway data table dated 8/28/2007 and titled “Table F-10, Maximum Water Surface Elevations, Kensington Pond Dam Break Analysis, City of Appleton”.
 - 3. Flood profiles dated 7/10/2007 and titled “Figure 3, Maximum Water Surface Profiles” (Hydraulic Shadow profile from Garners Creek Sta 0 to Sta 25000). Revisions made as a result of DNR review and received from Pete Neuberger via email 2/23/2021.
- h. ~~h.~~ Outagamie County Flood Storage District Map Panel 1 of 2 approved by Wisconsin Department of Natural Resources and dated January 20, 2016. Prepared by DNR, approved by DNR.



Federal Emergency Management Agency

Washington, D.C. 20472

November 1, 2021

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Honorable Jake Woodford
Mayor, City of Appleton
City Hall
100 N. Appleton Street
Appleton, WI 54911

IN REPLY REFER TO:

Case No.: 21-05-3029R
Community Name: City of Appleton, WI
Community No.: 555542

Dear Mayor Woodford:

We are providing our comments with the enclosed Conditional Letter of Map Revision (CLOMR) on a proposed project within your community that if constructed as proposed could revise the effective Flood Insurance Study report and Flood Insurance Rate Map for your community.

If you have any questions regarding the floodplain management regulations for your community, the National Flood Insurance Program (NFIP) in general, or technical questions regarding this CLOMR, please contact the Director, Mitigation Division of the Federal Emergency Management Agency (FEMA) Regional Office in Chicago, Illinois at (312) 408-5500, or the FEMA Mapping and Insurance eXchange (FMIX) toll free at 1-877-336-2627 (1-877-FEMA MAP). Additional information about the NFIP is available on our website at <https://www.fema.gov/flood-insurance>.

Sincerely,

Patrick "Rick" F. Sacbibit, P.E., Branch Chief
Engineering Services Branch
Federal Insurance and Mitigation Administration

List of Enclosures:

Conditional Letter of Map Revision Comment Document

cc: Ms. Paula Vandehey
Director of Public Works
City of Appleton

Mr. Brian Cunningham, CFM
State NFIP Coordinator
Wisconsin Department of Natural Resources

Mr. John R. Davel, P.E.
President
Davel Engineering & Environmental, Inc.



Federal Emergency Management Agency

Washington, D.C. 20472

CONDITIONAL LETTER OF MAP REVISION COMMENT DOCUMENT

COMMUNITY INFORMATION		PROPOSED PROJECT DESCRIPTION	BASIS OF CONDITIONAL REQUEST
COMMUNITY	City of Appleton Outagamie County Wisconsin	CULVERT FILL	HYDROLOGIC ANALYSIS 1D HYDRAULIC ANALYSIS FLOODWAY UPDATED TOPOGRAPHIC DATA
	COMMUNITY NO.: 555542		
IDENTIFIER	Apple Fields	APPROXIMATE LATITUDE & LONGITUDE: 44.309, -88.370 SOURCE: USGS QUADRANGLE DATUM: NAVD 88	
AFFECTED MAP PANELS			
TYPE: FIRM* NO.: 55087C0336D DATE: July 22, 2010		* FIRM - Flood Insurance Rate Map	

FLOODING SOURCE AND REACH DESCRIPTION

AAL Tributary - from just upstream of East Glenhurst Lane to approximately 500 feet upstream of East Everbreeze Circle

PROPOSED PROJECT DESCRIPTION

Flooding Source	Proposed Project	Location of Proposed Project
AAL Tributary	Fill Placement	Just upstream and downstream of East Everbreeze Circle, as well as 180 feet and 265 feet upstream of East Glenhurst Lane
	New Culvert	220 feet upstream of East Glenhurst Lane

SUMMARY OF IMPACTS TO FLOOD HAZARD DATA

Flooding Source	Effective Flooding	Proposed Flooding	Increases	Decreases
AAL Tributary	BFEs*	BFEs	Yes	Yes
	No BFEs	BFEs	Yes	None
	Zone AE	Zone AE	Yes	Yes
	Zone A	Zone AE	Yes	None
	No Floodway	Floodway	Yes	None

* BFEs - Base (1-percent-annual-chance) Flood Elevations

COMMENT

This document provides the Federal Emergency Management Agency's (FEMA's) comment regarding a request for a CLOMR for the project described above. This document is not a final determination; it only provides our comment on the proposed project in relation to the flood hazard information shown on the effective National Flood Insurance Program (NFIP) map. We reviewed the submitted data and the data used to prepare the effective flood hazard information for your community and determined that the proposed project meets the minimum floodplain management criteria of the NFIP. Your community is responsible for approving all floodplain development and for ensuring that all permits required by Federal or State/Commonwealth law have been received. State/Commonwealth, county, and community officials, based on their knowledge of local conditions and in the interest of safety, may set higher standards for construction in the Special Flood Hazard Area (SFHA), the area subject to inundation by the base flood. If the State/Commonwealth, county, or community has adopted more restrictive or comprehensive floodplain management criteria, these criteria take precedence over the minimum NFIP criteria.

This comment is based on the flood data presently available. If you have any questions about this document, please contact the FEMA Mapping and Insurance eXchange (FMIX) toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426. Additional Information about the NFIP is available on the FEMA website at <https://www.fema.gov/flood-insurance>.

Patrick "Rick" F. Sacbibit, P.E., Branch Chief
Engineering Services Branch
Federal Insurance and Mitigation Administration



Federal Emergency Management Agency

Washington, D.C. 20472

CONDITIONAL LETTER OF MAP REVISION COMMENT DOCUMENT (CONTINUED)

COMMUNITY INFORMATION

To determine the changes in flood hazards that will be caused by the proposed project, we compared the hydraulic modeling reflecting the proposed project (referred to as the proposed conditions model) to the hydraulic modeling used to prepare the Flood Insurance Study (FIS) (referred to as the effective model). If the effective model does not provide enough detail to evaluate the effects of the proposed project, an existing conditions model must be developed to provide this detail. This existing conditions model is then compared to the effective model and the proposed conditions model to differentiate the increases or decreases in flood hazards caused by more detailed modeling from the increases or decreases in flood hazards that will be caused by the proposed project.

The table below shows the changes in the BFEs:

BFE Comparison Table

Flooding Source: AAL Tributary		BFE Change (feet)	Location of maximum change
Existing vs. Effective	Maximum increase	0.00	N/A
	Maximum decrease	0.02	Approximately 150 feet upstream of East Glenhurst Lane
Proposed vs. Existing	Maximum increase	0.82	Approximately 300 feet upstream of East Glenhurst Lane
	Maximum decrease	0.11	Approximately 250 feet upstream of East Everbreeze Circle
Proposed vs. Effective	Maximum increase	0.00	N/A
	Maximum decrease	0.03	Approximately 150 feet upstream of East Glenhurst Lane

Increases due to the proposed project that exceed those permitted under Paragraphs (c)(10) or (d)(3) of Section 60.3 of the NFIP regulations must adhere to Section 65.12 of the NFIP regulations. With this request, your community has complied with all requirements of Paragraph 65.12(a) of the NFIP regulations. Compliance with Paragraph 65.12(b) also is necessary before FEMA can issue a Letter of Map Revision when a community proposes to permit encroachments into the effective regulatory floodway that will cause BFE increases in excess of those permitted under Paragraph 60.3(d)(3).

NFIP regulations Subparagraph 60.3(b)(7) requires communities to ensure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained. This provision is incorporated into your community's existing floodplain management ordinances; therefore, responsibility for maintenance of the altered or relocated watercourse, including any related appurtenances such as bridges, culverts, and other drainage structures, rests with your community. We may request that your community submit a description and schedule of maintenance activities necessary to ensure this requirement.

This comment is based on the flood data presently available. If you have any questions about this document, please contact the FEMA Mapping and Insurance eXchange (FMIX) toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426. Additional Information about the NFIP is available on the FEMA website at <https://www.fema.gov/flood-insurance>.

Patrick "Rick" F. Sacbbit, P.E., Branch Chief
Engineering Services Branch
Federal Insurance and Mitigation Administration



Federal Emergency Management Agency

Washington, D.C. 20472

CONDITIONAL LETTER OF MAP REVISION COMMENT DOCUMENT (CONTINUED)

COMMUNITY INFORMATION (CONTINUED)

DATA REQUIRED FOR FOLLOW-UP LOMR

Upon completion of the project, your community must submit the data listed below and request that we make a final determination on revising the effective FIRM, and FIS report. If the project is built as proposed and the data below are received, a revision to the FIRM and FIS report would be warranted.

- Form 1, entitled "Overview & Concurrence Form". Detailed application and certification forms must be used for requesting final revisions to the maps. Therefore, when the map revision request for the area covered by this letter is submitted, Form 1 must be included. If as-built conditions differ from the proposed plans, please submit new forms, which may be accessed at <https://www.fema.gov/flood-maps/change-your-flood-zone/paper-application-forms/mt-2>, or annotated copies of the previously submitted forms showing the revised information.
- Form 2, entitled "Riverine Hydrology & Hydraulics Form."
- Form 3, entitled "Riverine Structures Form."
- Hydraulic analyses, for as-built conditions, of the base flood; the 10-percent, 2-percent, and 0.2 percent annual chance floods; and the regulatory floodway, together with a topographic work map showing the revised floodplain and floodway boundaries. Please ensure that the revised information ties in with the current effective information at the downstream and upstream ends of the revised reach.
- An annotated copy of the FIRM, at the scale of the effective FIRM, that shows the revised floodplain and floodway boundary delineations shown on the submitted work map and how they tie into the floodplain and floodway boundary delineations shown on the current effective FIRM at the downstream and upstream ends of the revised reach.
- As-built plans, certified by a registered professional engineer, of all proposed project elements.
- A copy of the public notice distributed by your community, stating its intent to revise the regulatory floodway, or a signed statement by your community that it has notified all affected property owners and affected adjacent jurisdictions.
- Documentation of the individual legal notices sent to property owners who will be affected by any widening/shifting of the base floodplain and/or any BFE increases along AAL Tributary.
- Evidence that your community has, prior to approval of the proposed encroachment, adopted floodplain management ordinances that incorporate the increased BFEs and revised floodway boundary delineations to reflect the post-project conditions, as stated in Paragraph 65.12(b).

This comment is based on the flood data presently available. If you have any questions about this document, please contact the FEMA Mapping and Insurance eXchange (FMIX) toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426. Additional Information about the NFIP is available on the FEMA website at <https://www.fema.gov/flood-insurance>.

A handwritten signature in black ink, appearing to read "Rick Sacbbit".

Patrick "Rick" F. Sacbbit, P.E., Branch Chief
Engineering Services Branch
Federal Insurance and Mitigation Administration



Federal Emergency Management Agency

Washington, D.C. 20472

CONDITIONAL LETTER OF MAP REVISION COMMENT DOCUMENT (CONTINUED)

COMMUNITY INFORMATION (CONTINUED)

• A letter stating that your community will adopt and enforce the modified regulatory floodway, OR, if the State/Commonwealth has jurisdiction over either the regulatory floodway or its adoption by your community, a copy of your community's letter to the appropriate State/Commonwealth agency notifying it of the modification to the regulatory floodway and a copy of the letter from that agency stating its approval of the modification.

• FEMA's fee schedule for reviewing and processing requests for conditional and final modifications to published flood information and maps may be accessed at <https://www.fema.gov/flood-maps/change-your-flood-zone/status/flood-map-related-fees>. The fee at the time of the map revision submittal must be received before we can begin processing the request. Payment of this fee can be made through a check or money order, made payable in U.S. funds to the National Flood Insurance Program, or by credit card (Visa or MasterCard only). Please forward the payment, along with the revision application, to the following address:

LOMC Clearinghouse
3601 Eisenhower Avenue, Suite 500
Alexandria, VA 22304-6426

After receiving appropriate documentation to show that the project has been completed, FEMA will initiate a revision to the FIRM and FIS report. Because the flood hazard information (i.e., base flood elevations, base flood depths, SFHAs, zone designations, and/or regulatory floodways) will change as a result of the project, a 90-day appeal period will be initiated for the revision, during which community officials and interested persons may appeal the revised flood hazard information based on scientific or technical data.

This comment is based on the flood data presently available. If you have any questions about this document, please contact the FEMA Mapping and Insurance eXchange (FMIX) toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426. Additional Information about the NFIP is available on the FEMA website at <https://www.fema.gov/flood-insurance>.

A handwritten signature in black ink, appearing to read "Rick Sacibit".

Patrick "Rick" F. Sacibit, P.E., Branch Chief
Engineering Services Branch
Federal Insurance and Mitigation Administration



Federal Emergency Management Agency
Washington, D.C. 20472

**CONDITIONAL LETTER OF MAP REVISION
COMMENT DOCUMENT (CONTINUED)**

COMMUNITY INFORMATION (CONTINUED)

COMMUNITY REMINDERS

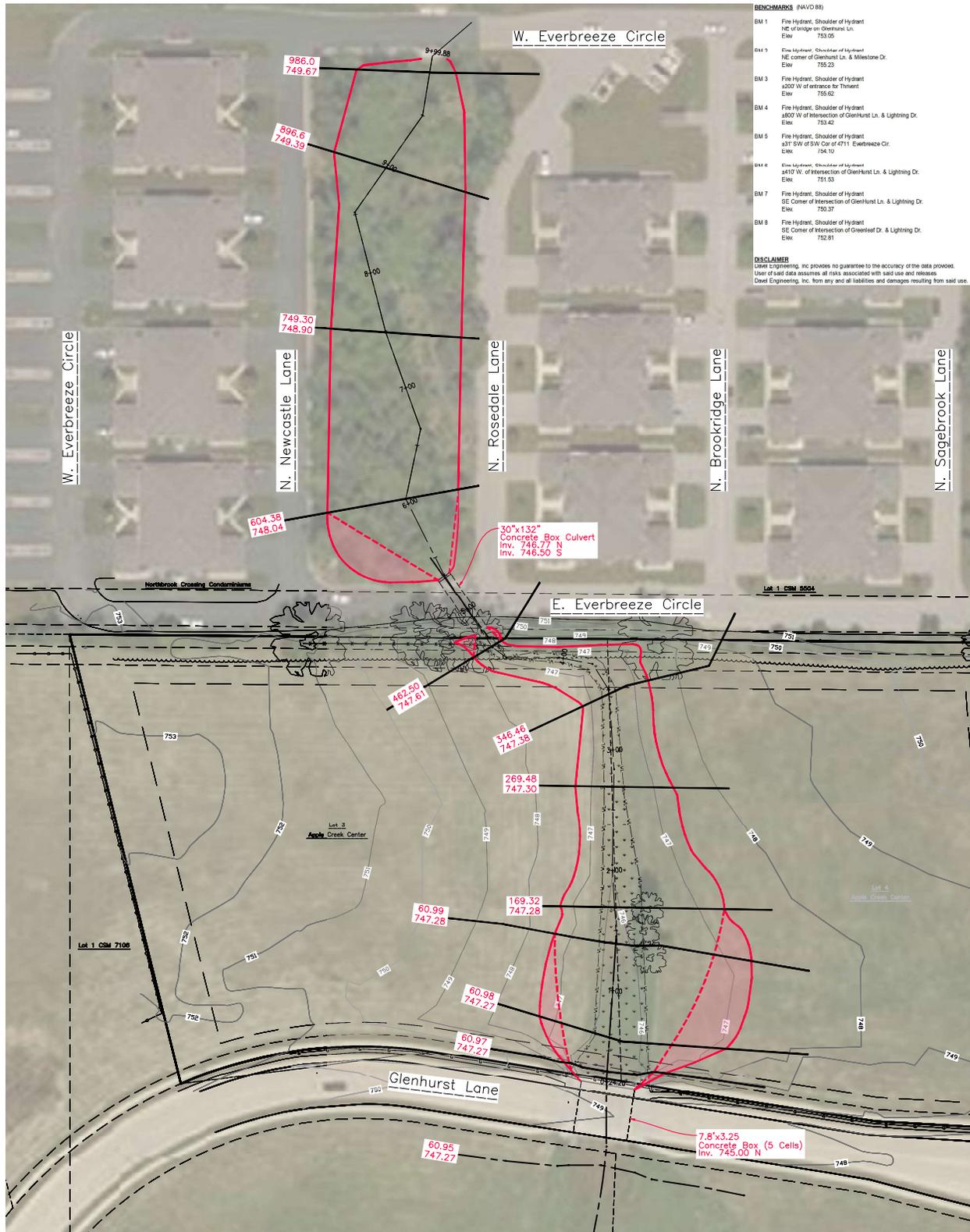
We have designated a Consultation Coordination Officer (CCO) to assist your community. The CCO will be the primary liaison between your community and FEMA. For information regarding your CCO, please contact:

Ms. Mary Beth Caruso
Director, Mitigation Division
Federal Emergency Management Agency, Region V
536 South Clark Street, Sixth Floor
Chicago, IL 60605
(312) 408-5500

This comment is based on the flood data presently available. If you have any questions about this document, please contact the FEMA Mapping and Insurance eXchange (FMIX) toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426. Additional Information about the NFIP is available on the FEMA website at <https://www.fema.gov/flood-insurance>.

A handwritten signature in black ink, appearing to read "Rick Sacbbit".

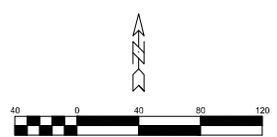
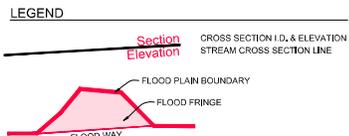
Patrick "Rick" F. Sacbbit, P.E., Branch Chief
Engineering Services Branch
Federal Insurance and Mitigation Administration



BENCHMARKS (NAVD 88)

BM 1	Fire Hydrant, Shoulder of Hydrant NE of bridge on Greenway Ln. Elev. 753.05
BM 2	Fire Hydrant, Shoulder of Hydrant NE corner of Glenhurst Ln. & Milestone Dr. Elev. 755.23
BM 3	Fire Hydrant, Shoulder of Hydrant s200 W of entrance for Thivent Elev. 755.62
BM 4	Fire Hydrant, Shoulder of Hydrant s802 W of intersection of Glenhurst Ln. & Lighting Dr. Elev. 753.42
BM 5	Fire Hydrant, Shoulder of Hydrant s31' SW of SW Cor of 4711 Everbreeze Cir. Elev. 756.10
BM 6	Fire Hydrant, Shoulder of Hydrant s410' W of intersection of Glenhurst Ln. & Lighting Dr. Elev. 751.33
BM 7	Fire Hydrant, Shoulder of Hydrant SE Corner of Intersection of Glenhurst Ln. & Lighting Dr. Elev. 750.37
BM 8	Fire Hydrant, Shoulder of Hydrant SE Corner of Intersection of Greenleaf Dr. & Lighting Dr. Elev. 752.81

DISCLAIMER
 Davel Engineering, Inc. provides no guarantee to the accuracy of the data provided. User of said data assumes all risks associated with said use and releases Davel Engineering, Inc. from any and all liabilities and damages resulting from said use.



7/28/2021 2:30 PM J:\Projects\5629\doc\dwg\Civil 3D\5629\Flood.dwg Printed by: Jennifer

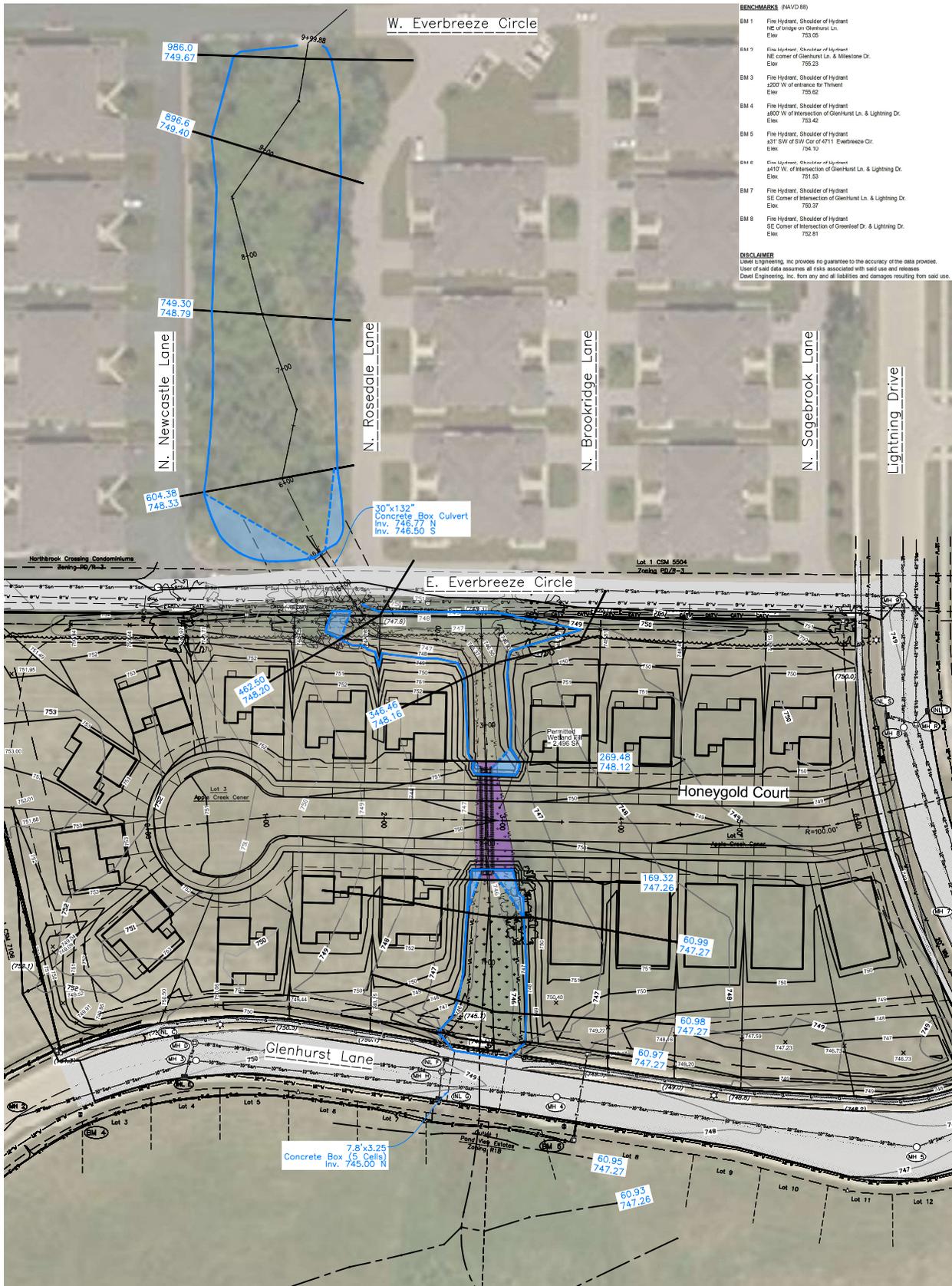
Project No.	5629
Drawn By	JND
Checked By	Jennifer
Date	07/28/2021
File Name	5629\Flood.dwg

Apple Fields
 City of Appleton, Outagamie County, WI
 For: Doctors Properties, LLC

**100-YEAR FLOOD
 EXISTING CONDITIONS**



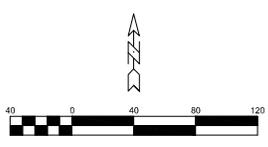
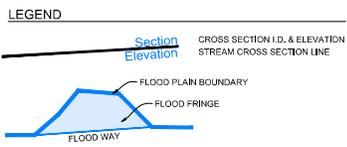
DAVEL ENGINEERING & ENVIRONMENTAL, INC.
 Civil Engineers and Land Surveyors
 1164 Province Terrace, Menasha, WI 54952
 Ph: 920-891-1868 Fax: 920-441-0804
 www.davel.pro



BENCHMARKS (NAVD 88)

BM 1	Fire Hydrant, Shoulder of Hydrant NE corner of Greenway Ln.	Elev. 753.05
BM 2	Fire Hydrant, Shoulder of Hydrant NE corner of Glenhurst Ln. & Milestone Dr.	Elev. 753.23
BM 3	Fire Hydrant, Shoulder of Hydrant 200' W of entrance for Thivent	Elev. 755.62
BM 4	Fire Hydrant, Shoulder of Hydrant 200' W of intersection of Glenhurst Ln. & Lightning Dr.	Elev. 753.42
BM 5	Fire Hydrant, Shoulder of Hydrant 331' SW of SW Cor of 4711 Everbreeze Cir.	Elev. 756.10
BM 6	Fire Hydrant, Shoulder of Hydrant 2410' W of intersection of Glenhurst Ln. & Lightning Dr.	Elev. 751.33
BM 7	Fire Hydrant, Shoulder of Hydrant SE Corner of Intersection of Glenhurst Ln. & Lightning Dr.	Elev. 750.37
BM 8	Fire Hydrant, Shoulder of Hydrant SE Corner of Intersection of Greenleaf Dr. & Lightning Dr.	Elev. 752.81

DISCLAIMER
 Davel Engineering, Inc. provides no guarantee to the accuracy of the data provided. User of said data assumes all risks associated with said use and releases Davel Engineering, Inc. from any and all liabilities and damages resulting from said use.



7/28/2021 2:30 PM J:\Projects\5629\doc\dwg\Civil 3D\5629\Flood.dwg Printed by: Jennifer

Sheet No.	51
Project No.	5629
Client	Apple Fields
Drawn By	JND
Checked By	JND
Date	07/28/2021
File Name	5629\Flood.dwg

Apple Fields
 City of Appleton, Outagamie County, WI
 For: Doctors Properties, LLC

**100-YEAR FLOOD
 PROPOSED CONDITIONS**



DAVEL ENGINEERING & ENVIRONMENTAL, INC.
 Civil Engineers and Land Surveyors
 1164 Province Terrace, Menasha, WI 54952
 Ph: 920-891-1868 Fax: 920-441-0804
 www.davel.pro

Apple Fields

All of Lot 3 and Lot 4, Apple Creek Center, being located in part of the Fractional Northwest 1/4 of the Southwest 1/4 and part of the Northeast 1/4 of the Southwest 1/4 of Section 7, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin

Surveyor's Certificate

I, James R. Seibel, Professional Land Surveyor, hereby certify that in full compliance with the provisions of Chapter 238 of the Wisconsin Statutes and the subdivision regulations of the City of Appleton, and under the direction of Doctors Properties, LLC, owner of said land, I have surveyed and reassembled Apple Fields, that such plat correctly represents all exterior boundaries and the subdivision of the land surveyed, and that the land is all of Lot 3 and Lot 4, Apple Creek Center, being located in part of the Fractional Northwest 1/4 of the Southwest 1/4 and part of the Northeast 1/4 of the Southwest 1/4 of Section 7, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin, containing 279,377 Square Feet (6.438 Acres) of land more or less, subject to all easements, and restrictions of record.

Given under my hand and seal this 15 day of December, 2021
 James R. Seibel, Wisconsin Professional Land Surveyor No. S-2692

Owner's Certificate

Doctors Properties, LLC, a limited liability company duly organized and existing under and by virtue of the laws of the State of Wisconsin, as the property owner, does hereby certify that said limited liability company caused the land described on this plat to be surveyed, divided, mapped and indicated as represented on this plat.

Doctors Properties, LLC, does further certify this plat is required by s.236.10 or s.236.12 to be submitted to the following for approval or objection:
 City of Appleton
 Department of Administration

Dated this 15th day of December, 2021
 In the presence of: Doctors Properties, LLC
Huang-Liang Chou
 Sign
Huang-Liang Chou
 Print Name
Member, Doctors Properties, LLC
 Title

State of Wisconsin)
Cabot County ss

Personally came before me this 15th day of December, 2021, the above property owner(s)
 My Commission Expires 3/1/2023



Utility Easement Provisions

An easement for electric, natural gas, and communications service is hereby granted by Doctors Properties, LLC, Grantor, to: Wisconsin Electric Power Company and Wisconsin Gas, LLC, Wisconsin corporations doing business as We Energies, Grantee, SBC, Grantee, and Time Warner Cable, Grantee

their respective successors and assigns, to construct, install, operate, repair, maintain and replace from time to time, facilities used in connection with overhead and underground transmission and distribution of electricity and electric energy, natural gas, telephones and cable TV facilities for such purposes as the same in now or may hereafter be used, all in, over, under, across, along and upon the property shown within these lines on the plat designated as "Utility Easement Areas" and the property designated on the plat for streets and alleys, whether public or private, together with the right to install service connections upon, across, within and beneath the surface of each lot to serve improvements, therein, or on adjacent lots, also the right to lay or call down lines, trunks and roots as may be reasonably required incident to the rights herein given, and the right to enter upon the subdivided property for all such purposes. The Grantee agrees to restore or cause to have restored, the property, as nearly as is reasonably possible, to the condition existing prior to each entry by the Grantee or their agents. This restoration, however, does not apply to the initial installation of said underground and/or above ground electric facilities, natural gas facilities, or telephones and cable TV facilities or to any trees, shrubs or roots which may be removed at any time pursuant to the rights herein granted. Structures shall not be placed over Grantee's facilities or in, upon or over the property within the lines marked "Utility Easement Areas" without the prior written consent of Grantee. After installation of any such facilities, the grade of the subdivided property shall not be altered by more than four inches without written consent of Grantee.

The grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto

Doctors Properties, LLC
Huang-Liang Chou 12/15/21
 Sign Date
Huang-Liang Chou
 Print Name
Member, Doctors Properties, LLC
 Title

City of Appleton Approval
 Resolved, that the plat of Apple Fields, in the City of Appleton, Outagamie County, Wisconsin, Doctors Properties, LLC, owners, is hereby approved by the Common Council of the City of Appleton.

Jason A. Woodford 12/16/21
 Mayor Date
Karin Lynch 12/15/2021
 Karin Lynch, Clerk Date

Treasurer's Certificate

We, being the duly elected, qualified and acting Treasurer of the City of Appleton and Outagamie County, do hereby certify that in accordance with the records in our office, there are no unredemmed tax sales and unpaid taxes, or special assessments on and of the land included in this plat.

John D. Hoover 12/22/21
 City Treasurer Date
Paula Anderson 11/12/21
 County Treasurer Date

This Final Plat is contained wholly within the property described in the following recorded instruments:
 The property owner of record: Doctors Properties, LLC
 Recording Information: Doc No. 21-09383
 Parcel Number(s): 311-6501-03
 311-6501-04

Water Main and Storm Sewer Easement Provisions

An easement for Water Main and Storm Sewer is hereby granted by Doctors Properties, LLC, Grantor, to: THE CITY OF APPLETON, Grantee.

- Purpose: The purpose of this easement is for the Grantee to access, install, regrade, replace, relocate, operate, maintain, repair and replace watermain, storm sewer, and associated appurtenances. Grantee does hereby agree to compensate Grantor fully for any damage caused directly or indirectly from said maintenance, repair, replacement or relocation of said watermain, storm sewer, and associated appurtenances that occur outside of the easement area. Trees, bushes, branches and roots may be trimmed or removed so as not to interfere with grantee's use of the easement area.
- Access: Grantee or its agents shall have the right to enter the grantor's land for the purpose of exercising its rights in the easement area.
- Buildings or Other Structures: Buildings or any other type of structure shall not be placed over Grantee's facilities or in, upon or over the property within the lines marked "Drainage, Storm Sewer or Watermain Easement".
- Elevation: The grantor agrees that the elevation of the existing ground surface within the easement area will not be altered without the written consent of grantor.
- Restoration: Grantee agrees that it will restore subsurface materials on grantor's land, as nearly as is reasonably possible, to the prior existing condition when conducting all future maintenance, regrading or repair activities. Grantor shall be responsible for all surface restoration. Grantee shall not be required to restore or compensate for any improvements or improved surfaces such as, but not limited to, curb and gutter, hard pavements, sidewalks, structures, trees, shrubs and landscaping, disturbed as a result of the maintenance activities described herein.
- Notification: Grantee agrees that it shall give timely notice to the Grantor of routine maintenance work. Grantor and Grantor agree to cooperate in good faith to minimize interference or disruption to the normal facility operations. Grantee shall provide advance notice to Grantor (except in emergency situations, in which event notice shall be provided as soon as is practical) of any activity with a reasonable likelihood of interfering or disrupting the operation Grantor's facility, and to conduct such activities at mutually agreeable times.

This grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.

Huang-Liang Chou 12/15/21
 Sign Date
Huang-Liang Chou
 Print Name
Member, Doctors Properties, LLC
 Title

There are no objections to this plat with respect to s. 236.15, 236.16, 236.20 and 236.21 (1) and (2), Wis. Stats. as provided by s. 236.12, Wis. Stats.
 Certified November 24, 2021
Renae D. Dreyer
 Department of Administration

Revision Date: Sep 01, 2021
 File: 5620Final.dwg
 Date: 09/01/2021
 Drafted By: jim
 Sheet: 3 of 3
DAVEL ENGINEERING & ENVIRONMENTAL, INC.
 CIVIL ENGINEERING CONSULTANTS
 1166 Providence Terrace, Menasha, WI 54952
 Ph: 920.961.1868 Fax: 920.441.0854
 www.davel.com



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: March 23, 2022

Common Council Meeting Date: April 6, 2022

Item: Extraterritorial Final Plat – Auburn Estates – Town of Grand Chute

Case Manager: David Kress, Principal Planner

GENERAL INFORMATION

Owner: M & E Investments Fox Valley, LLC and Geraldine A. Schroeder Irrevocable Trust

Applicant: Cypress Homes, Inc. c/o Shannon Meyer

Address/Parcel #: Generally located east of McCarthy Road and north of Capitol Drive in the Town of Grand Chute – Tax Id #101026002, #101026001, and #101026100

Petitioner's Request: The applicant is proposing to subdivide property under the Town's RSF Single-Family Residential District. The area is 35.41 acres in size and would be divided into 27 lots and one outlot.

BACKGROUND

The subject area is within the City's extraterritorial plat approval jurisdiction, which includes the unincorporated area within three miles of the City, as described in the Subdivision Ordinance. The Preliminary Plat was approved by Common Council on October 20, 2021. The Final Plat must also be reviewed and approved by the Town of Grand Chute and Outagamie County. This item is on track to go to the Town Board on May 3, 2022, and it has not yet appeared before the County Zoning Committee.

STAFF ANALYSIS

Existing Conditions: The majority of the property consists of undeveloped land located in the Town of Grand Chute, east of McCarthy Road. According to the Final Plat map, delineated wetlands exist on the south end of the site, and some existing barns and other accessory buildings will be removed. Access to the development would be obtained from McCarthy Road and extensions of Rose Meadow Lane and Cobble Creek Drive.

Comparison between Final Plat and Preliminary Plat: The Preliminary Plat covered a larger area (38.09 acres), but two previously developed parcels along McCarthy Road are no longer included, resulting in a slightly smaller area for the Final Plat (35.41 acres). However, the Final Plat is generally consistent with the Preliminary Plat layout in terms of the shape, size, and location of the lots.

Surrounding Zoning and Land Uses: The surrounding area is under the jurisdiction of the Town of Grand Chute, and the nearby uses are generally residential and agricultural in nature. The surrounding zoning is the Town's RSF Single-Family Residential District and AGD General Agricultural District.

Extraterritorial Final Plat – Auburn Estates – Town of Grand Chute

March 23, 2022

Page 2

Comprehensive Plan 2010-2030: Community and Economic Development staff has reviewed the City of Appleton's *Comprehensive Plan 2010-2030* and determined this proposed subdivision is outside the City's future growth area.

Review Criteria: Community and Economic Development staff has reviewed the Extraterritorial Final Plat in accordance with the City of Appleton Subdivision Ordinance, as well as Zoning Ordinance requirements for single-family residential developments. The proposed lots range in size from 43,560 square feet to 65,995 square feet. Typical lot dimensions are 168 feet by 260 feet. The lot sizes and lot widths for the proposed lots in this Town of Grand Chute subdivision exceed minimum City of Appleton Zoning Ordinance requirements.

Additional Comments: Several issues do not impact the City, but may warrant consideration from the Town of Grand Chute and/or Outagamie County:

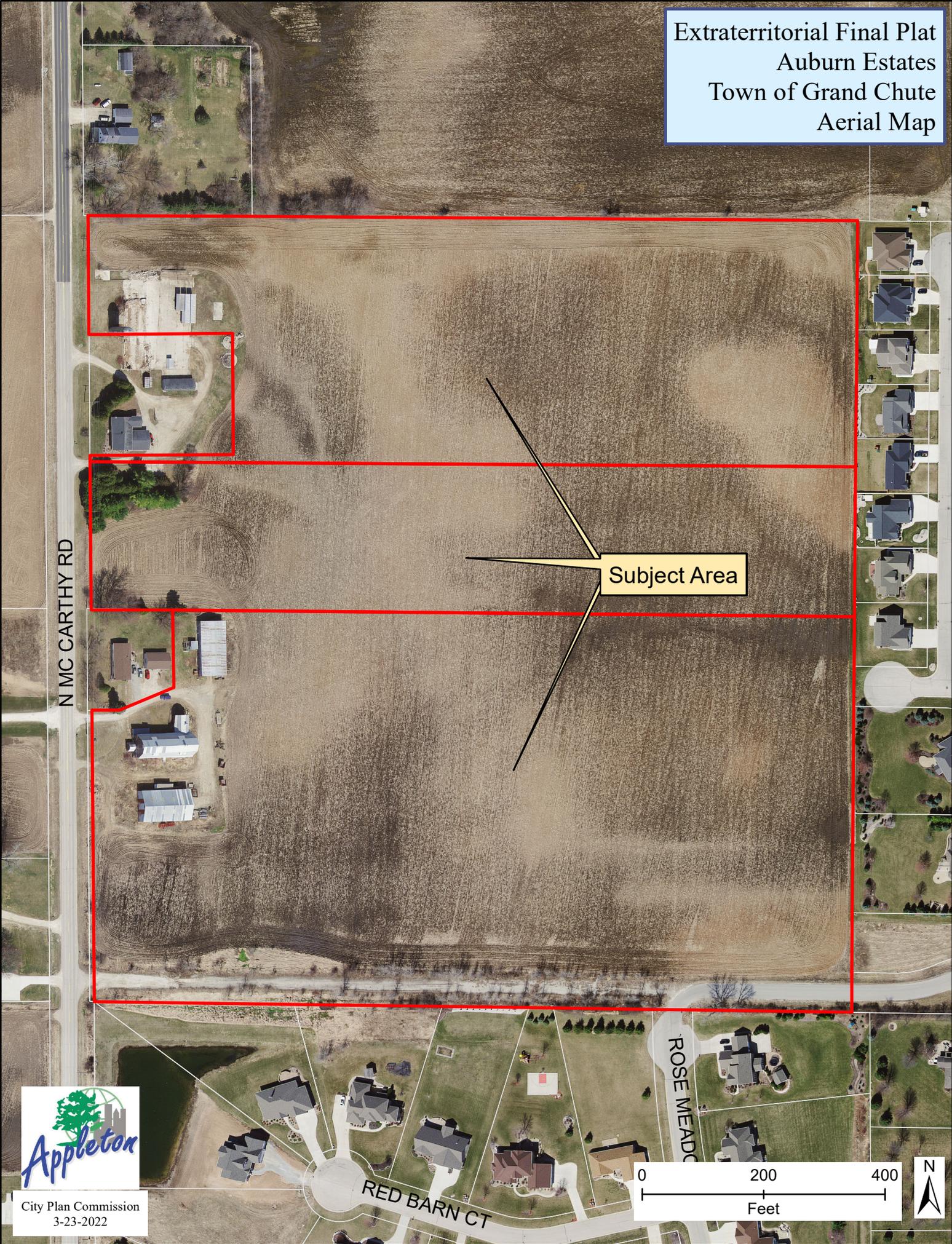
- Cypress Homes, Inc. is listed under the Owner's Certificate, but based on Outagamie County GIS data, they are not the current owner of the property. On sheet 2, document numbers are missing under the recording information notes. Once recorded, deed document numbers transferring ownership to Cypress Homes, Inc. need to be included.
- There are several blanks throughout sheets 1 and 2 pertaining to a Certified Survey Map that has not yet been recorded. Once recorded, these blanks need to be filled in.
- Rose Meadow Lane and Cobble Creek Drive are extensions of existing roadways. The street name Pebble Creek Court does not meet the City's one-word street name standard and exceeds 10 characters in length.

Technical Review Group (TRG) Report: This item appeared on the March 1, 2022 TRG agenda. No negative comments were received from participating departments.

RECOMMENDATION

Based on the above, staff recommends that the Extraterritorial Final Plat – Auburn Estates located in the Town of Grand Chute, as shown on the attached maps, **BE APPROVED**.

Extraterritorial Final Plat
Auburn Estates
Town of Grand Chute
Aerial Map



N MC CARTHY RD

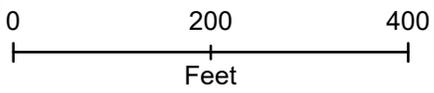
Subject Area

ROSE MEADOW

RED BARN CT



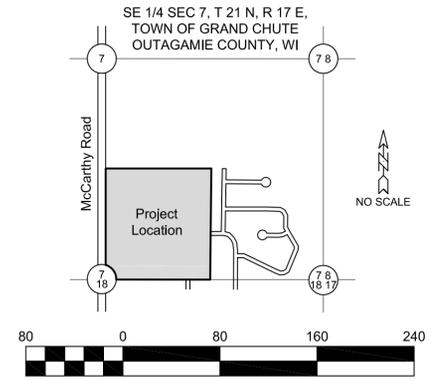
City Plan Commission
3-23-2022



Auburn Estates

All of Lot 2 Certified Survey Map 8232 and all of Lot 2 of Certified Survey Map 5575 and all of Lot 1 Certified Survey Map _____, all being part of the Southwest 1/4 of the Southeast 1/4 of Section 07, Township 21 North, Range 17 East, Town of Grand Chute, Outagamie County, Wisconsin

LOCATION MAP



Bearings are referenced to the South line of the Southeast 1/4, Section 07, T21N, R17E, assumed to bear N89°10'47"W, base on the Outagamie County Coordinate System.

Special Town of Grand Chute Restriction

The final plat is subject to all of the requirements of § 475-15E of the Code of the Town of Grand Chute. The subdivider, for himself and his assigns, shall be responsible for all municipal improvements, including asphalt surface streets, graveled road shoulders or curb and gutter, sewer and water, sewer lift stations, storm sewers, dedicated clear water drainage easements, and streetlighting. Pursuant to § 475-15E of the Code of the Town of Grand Chute, the Town of Grand Chute reserves the right to withhold building permits for this subdivision if the above-stated municipal improvements have not been completed by the subdivider according to the terms and conditions of § 475-15E. Utility Connection Fees (as listed on the Town Fee Schedule) for sewer, water and storm services shall be payable by each lot within the platted subdivision to the Town of Grand Chute Sanitary Districts. A special streetlighting charge, in accordance with the procedures listed under § 57-21, Special charges for current services, shall be assessed annually to property owners of each buildable lot within the subdivision for the energy and facility maintenance costs of streetlighting within the Town. Any costs due to streetlighting in excess of the standards within the Street Lighting Policy, as requested by the subdivider or property owners, shall be assessed directly to the abutting property owners.

Impact Fee Note

There is an impact fee due on each lot in accordance with Chapter 330 Impact Fees of the Town Code of Ordinances and as listed on the most current Town of Grand Chute Impact Fee Schedule.

Lot Grading, Staking and Easements

- The land on all side and rear lot lines of all lots shall be graded by the property owner and maintained by the abutting property owners to provide for adequate drainage of surface water.
- Each lot owner shall grade the property to conform to the lot line grades established by the drainage plan for White Hawk Meadows North. It is the responsibility of the lot owner to comply with these established elevations.
- No poles, pedestals, transformers or buried cable are to be placed within two (2) feet of any survey stake, or placed so as to obstruct vision along any lot line or street line. Any disturbance of a survey stake by any person is a violation of § 236.32 Wis. Stats.
- Utility easements as herein set forth are for the use of public bodies and private utility providers having the right to serve the area.

Stormwater Facility Maintenance Note

Maintenance of all drainage ways, including easements as indicated on the plat and along side and rear lot lines that convey stormwater runoff in accordance with the approved Drainage Plan, and associated structures within the land division or serving the land division, is the sole responsibility of the property owners of the land division, unless noted on the plan. Upon failure of property owners to perform maintenance of the drainage ways and associated structures within the land division or serving the land division, the Town of Grand Chute and/or Outagamie County retains the right to perform maintenance and/or repairs. The payment of the maintenance and repairs shall be assessed in equal amounts to the owners of all property within the land division, or, where the causer can be specifically identified, the payment shall be assessed to a specific property owner.

Unless otherwise noted, a drainage easement exists upon all existing navigable streams, between the meander lines as shown.

No structures, fences or plantings other than grasses shall be allowed within the drainage easements herein set forth.

Notes:

- All linear measurements have been made to the nearest one hundredth of a foot.
- All angular measurements have been made to the nearest 20 seconds and computed to the nearest half seconds.
- An airport zoning permit is required to develop each lot within the plat in Airport Zone 3 and 3A. Maximum lot coverage of 50%.
- Wetland shown per Wetland Delineation Report dated June 15th 2021, prepared by Stacy E. Jepsen, of Cedar Corporation.

There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2), Wis. Stats. as provided by s. 236.12, Wis. Stats.

Certified _____, 20____

Department of Administration



File: 6691Final.dwg
Date: 02/11/2022
Drafted By: Jim
Sheet: 1 of 2
Revision Date: Feb 11, 2022



DAVEL ENGINEERING & ENVIRONMENTAL, INC.
Civil Engineers and Land Surveyors

1164 Province Terrace, Menasha, WI 54952
Ph: 920-991-1866 Fax: 920-441-0804
www.davelpro



Auburn Estates

All of Lot 2 Certified Survey Map 8232 and all of Lot 2 of Certified Survey Map 5575 and all of Lot 1 Certified Survey Map _____, all being part of the Southwest 1/4 of the Southeast 1/4 of Section 07, Township 21 North, Range 17 East, Town of Grand Chute, Outagamie County, Wisconsin

Surveyor's Certificate

I, James R. Sehloff, Professional Land Surveyor, hereby certify: That in full compliance with the provisions of Chapter 236 of the Wisconsin Statutes and the subdivision regulations of the Town of Grand Chute and Outagamie County, and under the direction of Cypress Homes, Inc., owner of said land, I have surveyed divided and mapped Auburn Estates; that such plat correctly represents all exterior boundaries and the subdivision of the land surveyed; and that this land is all of Lot 2 Certified Survey Map 8232, recorded as Document No. 2254280, and all of Lot 2 of Certified Survey Map 5575, recorded as Document No. 1746610, and all of Lot 1 Certified Survey Map _____, recorded as Document No. _____, all being part of the Southwest 1/4 of the Southeast 1/4 of Section 07, Township 21 North, Range 17 East, Town of Grand Chute, Outagamie County, Wisconsin, containing 1,542,388 Square Feet (35.4084 acres) of land, more or less, subject to all easements, and restrictions of record.

Given under my hand this _____ day of _____, _____.

James R. Sehloff, Wisconsin Professional Land Surveyor No. S-2692

Owner's Certificate

Cypress Homes, Inc., a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, does hereby certify that said corporation caused the land described on this plat to be surveyed, divided, mapped and dedicated as represented on this plat.

Cypress Homes, Inc., does further certify this plat is required by s.236.10 or s.236.12 to be submitted to the following for approval or objection:

Outagamie County Planning and Zoning Committee
Town of Grand Chute
City of Appleton
Department of Administration

Dated this _____ day of _____, 20____.

In the presence of: Cypress Homes, Inc.

Shannon Meyer, President

State of Wisconsin

_____ County) ss

Personally came before me this _____ day of _____, 20____, the above owner(s) to me known to be the persons who executed the foregoing instrument and acknowledge the same.

My Commission Expires _____

Notary Public, Wisconsin.

Utility Easement Provisions

An easement for electric and communications service is hereby granted by Cypress Homes, Inc., grantors, to:

WISCONSIN ELECTRIC POWER COMPANY, a Wisconsin corporation doing business as We Energies. Grantee
SBC, Grantee
and
Time Warner Cable, Grantee

Grantees, their respective successors and assigns, to construct, install operate, repair, maintain and replace from time to time, facilities used in connection with overhead and underground transmission and distribution of electricity and electric energy for such purposes as the same is now and may hereafter be used and for sounds and signals, all in, over, under, across, along and upon the property shown within those areas on the plat designated as "Utility Easement Areas" and the property designated on the plat for streets and alleys, whether public or private, together with the right to install service connections upon, across within and beneath the surface of each lot to serve improvements thereon, or on adjacent lots; also the right to trim or cut down trees, brush and roots as may be reasonably required incident to the rights herein given and the right to enter upon the subdivided property for all such purposes. The Grantees agree to restore or cause to have restored, the property, as nearly as is reasonably possible, to the condition existing prior to such entry by the Grantees or their agents. This restoration, however, does not apply to the initial installation of said underground and/or above ground electrical facilities or communication facilities or to any trees, brush or roots which may be removed at any time pursuant to the rights herein granted. Buildings shall not be placed over Grantees facilities or in, upon or over the property within the lines marked "Utility Easement Areas" without the prior written consent of the Grantees. After installation of any such facilities, the grade of the subdivided property shall not be altered by more than four inches without the written consent of grantees.

The grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.

Cypress Homes, Inc.

Shannon Meyer, President Date _____

Town Board Approval Certificate

Resolved, that the plat of Auburn Estates in the Town of Grand Chute, Outagamie County, Cypress Homes, Inc., owner, is hereby approved by the Town Board of the Town of Grand Chute.

Chairman _____ Date _____

I hereby certify that the foregoing plat was approved by the Town Board of the Town of Grand Chute on the _____ day of _____, 20____.

Clerk _____ Date _____

County Planning Agency Approval Certificate

Resolved, that the plat of Auburn Estates in the Town of Grand Chute, Outagamie County, Cypress Homes, Inc., owner, is hereby approved by Outagamie County.

County Zoning Administrator _____ Date _____

Treasurer's Certificate

We, being the duly elected, qualified and acting Treasurer's of the Town of Grand Chute and Outagamie County, do hereby certify that in accordance with the records in our office, there are no unredeemed tax sales and unpaid taxes, or special assessments on and of the land included in this plat.

Town Treasurer _____ Date _____

County Treasurer _____ Date _____

Mortgagee's Certificate

Wolf River Community Bank, a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, Mortgagee of the above described land, does hereby consent to the surveying, dividing, mapping and dedication of the land described on this plat, and does hereby consent to the above certificate of Cypress Homes, Inc., owner.

IN WITNESS WHEREOF, the said Wolf River Community Bank, has caused these presents to be signed by

_____, its President, and countersigned by

_____, its Secretary or Cashier, at _____, Wisconsin, and its corporate seal

to be hereunto affixed this _____ day of _____, 20____.

In the presence of: Wolf River Community Bank

President _____ Date _____

Secretary or Cashier _____ Date _____

State of Wisconsin

_____ County) ss

Personally came before me this _____ day of _____, 20____.

_____, President, and _____, Secretary (cashier) of the above named corporation, to me known to be the persons who executed the foregoing instrument, and to me known to be such President and Secretary (cashier) of said corporation, and acknowledged that they executed the foregoing instrument as such officers as the deed of said corporation, by its authority.

My Commission Expires _____

Notary Public, Wisconsin

City of Appleton Approval (Extraterritorial)

Resolved, that the plat of Auburn Estates in the Town of Grand Chute, Outagamie County, Cypress Homes, Inc., owner, is hereby approved by the Common Council of the City of Appleton.

Mayor _____ Date _____

I hereby certify that the foregoing is a copy of a resolution adopted by the the Common Council of the City of Appleton.

Clerk _____ Date _____

This Final Plat is contained wholly within the property described in the following recorded instruments:

The property owner of record:	Recording Information:	Parcel Number(s):
Cypress Homes, Inc.	Doc No. _____	101026002 (Lot 2 CSM 8232)
	Doc No. _____	101026001 (Lot 2, CSM 5575)
	Doc No. _____	1010261__ (Lot 1 CSM _____)

CURVE TABLE							
Curve	Radius	Chord Direction	Chord Length	Arc Length	Central Angle	Tangent Bearing-in	Tangent Bearing-out
C1	317.00'	S 77°54'35" E	126.25'	127.10'	22°58'20"	S 89°23'45" E	S 66°25'25" E
C2	1533.00'	N 67°39'35" W	66.14'	66.15'	2°28'20"	N 68°53'45" W	N 66°25'25" W
C3	183.00'	S 10°14'15" W	61.25'	61.54'	19°15'59"	S 19°52'14" W	S 00°36'15" W
C4	60.00'	S 89°23'45" E	66.00'	307.11'	293°15'58"	S 57°14'14" W	N 56°01'44" W
C5	60.00'	S 09°29'31" W	88.82'	100.00'	95°29'25"	S 57°14'14" W	S 38°15'12" E
C6	60.00'	S 82°01'53" E	83.02'	91.69'	87°33'22"	S 38°15'12" E	N 54°11'26" E
C7	60.00'	N 00°55'09" W	98.43'	115.42'	110°13'10"	N 54°11'26" E	N 56°01'44" W
C8	117.00'	N 10°14'15" E	39.16'	39.34'	19°15'59"	N 00°36'15" E	N 19°52'14" E
C9	1533.00'	S 79°41'25" E	444.05'	445.62'	16°39'18"	S 71°21'46" E	S 88°01'04" E
C10	1533.00'	S 74°53'37" E	188.81'	188.93'	7°03'41"	S 71°21'46" E	S 78°25'27" E
C11	1533.00'	S 83°13'16" E	256.39'	256.69'	9°35'37"	S 78°25'27" E	S 88°01'04" E
C12	1533.00'	S 00°36'29" W	10.99'	10.99'	0°24'39"	N 00°48'49" E	N 00°24'10" E
C13	1467.00'	N 00°35'56" E	11.00'	11.00'	0°25'47"	N 00°23'02" E	N 00°48'49" E
C14	183.00'	N 38°03'23" W	229.69'	248.30'	77°44'24"	N 00°48'49" E	N 76°55'35" W
C15	183.00'	N 03°02'39" W	24.62'	24.64'	7°42'56"	N 00°48'49" E	N 06°54'07" W
C16	183.00'	N 20°40'30" W	87.14'	87.98'	27°32'46"	N 06°54'07" W	N 34°26'53" W
C17	183.00'	N 48°13'16" W	87.14'	87.98'	27°32'46"	N 34°26'53" W	N 61°59'39" W
C18	183.00'	N 69°27'37" W	47.56'	47.69'	14°55'56"	N 61°59'39" W	N 76°55'35" W
C19	67.00'	N 38°16'09" W	83.70'	90.41'	77°18'52"	N 76°55'35" W	N 00°23'17" E
C20	133.00'	N 38°16'09" W	166.16'	179.47'	77°18'52"	N 76°55'35" W	N 00°23'17" E
C21	133.00'	S 19°39'54" E	91.21'	93.10'	40°06'23"	S 39°43'05" E	S 00°23'17" W
C22	133.00'	S 58°19'20" E	84.86'	86.37'	37°12'29"	S 76°55'35" E	S 39°43'05" E
C23	117.00'	S 38°03'23" E	146.85'	158.75'	77°44'24"	N 76°55'35" W	N 00°48'49" E
C24	1467.00'	S 77°11'40" E	548.31'	551.55'	21°32'30"	S 66°25'25" E	S 87°57'55" E
C25	1467.00'	N 82°30'43" W	278.83'	279.25'	10°54'24"	N 77°03'31" W	N 87°57'55" W
C26	1467.00'	N 71°44'28" W	271.91'	272.30'	10°38'06"	N 66°25'25" W	N 77°03'31" W
C27	383.00'	N 77°54'35" W	152.53'	153.56'	22°58'20"	S 66°25'25" E	S 89°23'45" W

LINE TABLE		
Line	Bearing	Length
L2	S 19°52'14" W	24.90'
L3	N 19°52'14" E	24.90'
L4	S 13°25'40" E	114.33'
L5	N 87°51'15" E	117.29'
L6	S 65°35'03" E	45.57'
L7	S 44°39'01" E	38.89'
L8	S 74°51'01" E	34.12'
L9	N 89°33'11" E	58.44'

File: 6691Final.dwg
Date: 02/11/2022
Drafted By: Jim
Sheet: 2 of 2
Revision Date: Feb 11, 2022

There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2), Wis. Stats. as provided by s. 236.12, Wis. Stats.

Certified _____, 20____

Department of Administration

DAVEL ENGINEERING & ENVIRONMENTAL, INC.
Civil Engineers and Land Surveyors
1164 Province Terrace, Menasha, WI 54952
Ph: 920-991-1866 Fax: 920-441-0804
www.davel.pro